



ACA INTERNATIONAL

Code of Conduct

Amendment Adopted:
September 28, 2016

Effective:
November 12, 2016

www.ACAInternational.org

ACA International Code of Conduct

ACA International Mission:

ACA International contributes to the success of its members and the positive reputation of the credit and collection industry through education, advocacy and services.

ACA International Values:

Leadership, Integrity, Respect, Responsibility, Service, and Education.

Collector's Pledge:

I believe every person has worth as an individual.

I believe every person should be treated with dignity and respect.

I will make it my personal responsibility to help consumers find ways to pay their just debts.

I will be professional and ethical.

I commit to honoring this pledge.

PREAMBLE

As members of ACA International, we agree to uphold our Association's Mission and Values as a condition of membership. This Code offers guidance to members regarding our business conduct with respect to the credit and collection related products and services we offer, and memorializes our commitment to our Association's Mission and Values. Our commitment supports the integrity and honor of the profession, engendering respect for it. We understand and agree these Code provisions are promulgated to encourage, not to restrict, competition in the credit and collection industry and to benefit those consuming member goods and services by setting acceptable standards for member activity.

CANON I. As members, we demonstrate our commitment to our Association's Mission and Values by conducting ourselves and our business consistent with the following guiding principles *in our relationships with our Association peers:*

- I.A We commit to advancing the spirit of collegiality and professionalism toward our fellow members.
- I.B We will courageously undertake to prompt our fellow members toward correcting any instances of unethical conduct of which we become aware.
- I.C We will not knowingly or with reckless disregard of the truth misrepresent the commercial or professional qualifications, certifications, credentials, affiliations, memberships, record, capacity, experience, or abilities of any other member.
- I.D We will abide by any code, rule, or guideline governing access to the use of Association-hosted social media platforms.

CANON II. As members, we demonstrate our commitment to our Association’s Mission and Values by conducting ourselves and our business consistent with the following guiding principles regarding our business relationships:

- II.A As goods or services providers, clients, or customers, we will honor our business agreements and act consistently with the terms to which we have agreed.
- II.B As goods or services providers, we will accurately inform our business customers and clients of the true charges, fees, or interest for goods or services rendered.
- II.C As service providers, we will distribute client money only as agreed by the client and in accordance with applicable law, and make timely remittances when we have collected funds on their behalf. We will maintain banking and accounting practices, policies, and procedures sufficient to ensure collection payments held on behalf of clients are available for timely remittance to clients. “Timely” means within the timeframe which is agreed upon with the client, in accordance with applicable law, or in the absence of both, the timeframe that is generally regarded as reasonable by our Association peers.
- II.D As goods or services providers, we will maintain reasonable, timely, and responsive communication with business customers and clients regarding goods or services rendered. “Reasonable and timely” means of the nature which is agreed upon with the customer or client, in accordance with applicable law, or in the absence of either, the timeframe that is generally understood by our Association peers given the nature and topic of the communication, and in light of the past and present business relationship.
- II.E In forwarding relationships, we will provide disclosures, reporting, information, and remittances sufficient to ensure accurate debt handling.
- II.F We will respond timely, clearly, and without malice to complaints from a party with which we have a business relationship; we will avoid the creation or maintenance of unreasonable barriers to submit a complaint.

CANON III. As members, we demonstrate our commitment to our Association’s Mission and Values by conducting ourselves and our business consistent with the following guiding principles in our relationships with consumers:

- III.A We will foster effective communication and the exchange of information with clients, customers, and consumers to encourage increased awareness and education regarding the lawful extension of credit and collection of debt. We will avoid careless dishonesty, provision of misinformation, or causing unnecessary confusion to clients, consumers, and other third parties in our communications regarding our credit and debt collection activity. We acknowledge that at times this may mean providing an amount, type, or frequency of information which is not required by law in order to facilitate understanding and dispel misinformation. We acknowledge that an informed individual is more likely an understanding and cooperative individual.
- III.B We Association company members acknowledge the importance of ensuring the establishment, implementation, and continued operation of an effective compliance management system tailored to the size, scope, and complexity of our organizations to prevent against instances of consumer harm. We will undertake honest and sincere efforts to ensure compliance with applicable laws and that policies,

procedures, and practices are adopted, enforced, reviewed, and updated as necessary with the highest regard for the law and best practices in the industry.

- III.C We acknowledge the importance of proprietor, board member, manager, and employee knowledge of applicable legal and regulatory requirements, especially for all employees who directly interact with consumers, or who devise policies and procedures governing employee interaction with consumers. We commit to periodic and ongoing education, as well as the retraining of those employees we have learned may not understand applicable compliance obligations. We acknowledge that appropriately tailored employee incentives and individual discipline relating to compliance may be prudent and necessary.
- III.D We will respond to all consumer disputes without malice and in accordance with the time frames and in the manner required by local, state, and federal law. We will avoid the creation or maintenance of unreasonable barriers for consumers to submit a dispute.
- III.E We will establish and maintain policies and processes to capture, track, and attempt to resolve consumer complaints. We will avoid the creation or maintenance of unreasonable barriers for consumers to submit a complaint.
- III.F We commit to establishing, implementing, and following processes, procedures, and systems to reasonably ensure personal sensitive or confidential information is not improperly disclosed to people who are not entitled to it, and to take corrective action in cases of improper disclosure.
- III.G To reasonably ensure the reliability of account data received from or disclosed to third parties, we will implement risk management and supervisory controls to select and manage data and to identify data or data sources which may be invalid.

CANON IV. As members, we demonstrate our commitment to our Association's Mission and Values by conducting ourselves and our business consistent with the following guiding principles *in support of the collective membership*:

- IV.A We will provide only truthful and accurate information to the Association when seeking or renewing membership in or accessing exclusive membership benefits of the Association; we will update such information as may be requested to maintain membership.
- IV.B We will only use, communicate, share, or distribute any Association proprietary or confidential information we may acquire by virtue of our membership or representative capacity to our Association when permitted and in the manner allowed.
- IV.C We will not directly or indirectly assist any nonmember in gaining access to exclusive Association member benefits and privileges, or share with them any members-only Association information. We acknowledge the importance of this provision to fellow Association members, and for the advancement of and avoidance of prejudice to the industry's collective interests. We acknowledge that members-only content is confidential and proprietary to our Association, the wrongful dissemination of which may cause irreparable harm to our Association and to its members.
- IV.D We respect our Association's copyright and trademark interests and will use our Association's logos, trademarks, and copyrighted materials only in the manner expressly authorized by our Association. We

- will not use the Association name or logo in our communications in such a way that leads others to believe the communication originates from or has been approved by our Association when it has not.
- IV.E In our communications with others we will only hold ourselves out as speaking on behalf of or acting with the authority of our Association when we in fact have such authority (for instance, as a Board Member, Committee Member, or another representative capacity).
 - IV.F We Association company members will provide instruction to our employees to ensure our employees conduct themselves in accordance with this Code.
 - IV.G We Association company members will periodically examine our internal practices, policies, strategies, and communications for compliance with this Code.
 - IV.H We will promptly respond to all Association inquiries regarding any Code related matter concerning us, and will cooperate in any related Code proceedings, make a good faith effort to resolve all such matters, and conform to any Code related determinations. To foster timely communication, we Association company members will designate an individual within the organization having sufficient responsibility to handle member conduct complaints received by our Association; we will keep our Association informed of this individual's current contact information.

CANON V. As members, we demonstrate our commitment to our Association's Mission and Values by conducting ourselves and our business consistent with the following guiding principles *in our participation in the industry and the profession*:

- V.A We strive to reflect and promote our Association's Mission and Values in dealings with others, and to seek opportunities to increase public awareness and understanding of our Mission and Values.
- V.B We will engage in reasonable cooperation with government agencies that regulate or supervise our business.
- V.C We will operate with sufficient transparency as to the names, geographic locations, and partner affiliations of our companies so as to avoid intentionally misleading others regarding our identities, to the extent that it will not harm the legitimate competitive and proprietary interests of our businesses.
- V.D We will encourage credit and collection professionals to pursue Association-offered education, training, and professional enrichment opportunities supportive of their professional role, responsibility, and capacity.
- V.E We will take timely remedial action and improve business processes when instances of failing or error are discovered.
- V.F We acknowledge that along with the privilege of conducting certain business activities for profit comes the responsibility of complying with all laws with respect to that activity. We commit to remaining informed and up-to-date on the laws and regulations at the federal, state, and local level which govern our activities. We will seek knowledge and understanding from appropriate advisors and resources when we are uncertain of our legal obligations.

- V.G We will represent our professional training and competency accurately and honestly and will not knowingly or with reckless disregard of the truth misrepresent our commercial or professional qualifications, certifications, credentials, affiliations, endorsements, memberships, record, capacity, experience or abilities.
- V.H We will respect our Association’s anti-harassment policy when participating in Association-hosted events.
- V.I It is the policy of our Association, and it is the responsibility of every Association member, to comply in all respects with federal and state antitrust laws. To minimize the possibility of antitrust problems, we agree to conduct ourselves in accordance with following guidelines during Association sponsored or facilitated meetings, events, and gatherings; we understand that these guidelines apply not only to in-person communication but also to electronic and telephonic communication via any Association-owned or controlled forum (including its website or mobile applications), and upon any portion of an Association owned, controlled, or leased premises (“Association Meeting”):
- V.I.1 We will not engage in any activity or discussion for the purpose of bringing about any understanding or agreement among members to: raise, lower, or stabilize prices; regulate production; allocate markets; encourage boycotts; foster unfair trade practices; assist monopolization; engage in any standardization which will injure competitors; or violate federal or state antitrust laws. To this end, we will not discuss with our competitors: our prices or competitors’ prices (except when buying from or selling to that competitor) or anything which may affect prices such as costs, discounts, terms of sale, or profit margins; uniform terms of sale, warranties, or contract provisions; division of customers or territories; or future pricing, marketing, expansion, policy, or other plans with a competitive overtone. We will not act jointly with one or more competitors illegally to put another competitor at an unfair disadvantage.
- V.I.2 We will notify the Association’s president, chief executive officer, or legal counsel if we become aware of activity as described in V.I.1.
- V.I.3 We will consult our Association’s chief executive officer or legal counsel before raising any matter which we feel might be sensitive, as described in V.I.1.
- V.I.4 We acknowledge that engaging in the type of conduct described in V.I.1 with other industry participants *outside* of Association Meetings may under some circumstances place the Association at risk of violating the antitrust laws, and will govern ourselves with due consideration.

Code Enforcement

We intend for these Code provisions to operate as an instrument to acknowledge and encourage ethical business conduct; they are not designed to serve as an enforcement mechanism against companies or individuals exercising legitimate personal freedoms that have no relationship to or impact upon our Association’s mission or the collective credit and collection profession.

Our Association frequently offers education and information to industry participants regarding best practices; however, this Code shall not serve the purpose of directing the specific manner and method by which any individual or company member ensures its business activity is aligned with this Code’s Canons.

We expect a member may be charged with a Code violation when the member's activity, or the activity of its employee(s) as it relates to its business activity within the credit and collection industry, fails to adhere to the Canons of this Code in such a way that indicates the member is exhibiting a reckless disregard of our Association membership's collective interest in maintaining its competitive position in the industry, positive reputation, cooperative member and industry relations, and the public trust. We understand alleged violations of this Code may be investigated by the Association and that if a violation of the Code has occurred, a member may be disciplined in accordance with the applicable Association procedural rules governing Code enforcement, which may include expulsion from membership.

We adopt this Code to provide guidance for member conduct except to the extent applicable law requires otherwise. If our ethical member responsibilities are reasonably interpreted in our honest and sincere judgment to conflict with any law, regulation, or other governing legal authority, we will acknowledge our commitment to this Code and take steps to resolve the conflict in a responsible manner. In such a case, we will have acted reasonably with respect to the Code if the conflict is, after good faith consideration, irreconcilable. This Code is a guide for members and should not give rise to a legal cause of action, create a presumption or serve as evidence that a legal duty has been breached, or form the basis for governmental enforcement proceedings.

Effective Date

This Code of Conduct shall be effective and govern member conduct as of the 45th day following the date of adoption by the Association's Board of Directors. Notice of this Code of Conduct's adoption shall be provided to members by reasonable electronic means within 15 days following adoption by the Board of Directors.