

## PROCEDURE 1 -- DISCIPLINARY ACTIONS

1. The Institute Policy and Practices Committee shall be responsible for determining whether charges brought against individuals and organizations for violation of the Institute policies are valid, establish disciplinary actions, and report its findings and recommendations to the Board. It will also be responsible for disciplinary action that may become necessary for certificate holders.

General Policy Statement: The Institute Policy and Practices Committee will not allow members or any complainant to unfairly utilize the complaint process to enhance their case in litigation, nor will it allow persons to involve the Institute in litigation or other private disputes between parties. To the extent that the subject of a complaint is also the subject of litigation or other proceedings, the Institute Policy and Practices Committee shall decline involvement unless there is a clear preliminary finding of an ethical violation or conduct that threatens public safety.

- 1.1. Any complaints about the professional behavior or practices of any Institute member relating to the Institute policies must be in writing and should be addressed to the Secretary/Executive Director of the Institute. Complaints may be related to violation of specific Institute policy, allegations of cheating in relation to Institute certifications or accreditations, or ethics. Any disciplinary complaints against staff shall be referred to the Secretary/Executive Director and/or President of the Institute. The following procedure shall be used in handling all complaints:
- 1.2. The Secretary/Executive Director of the Institute shall determine whether a complaint potentially involves violations of policy that fall under the scope of the NACE Institute Policy and Practices Committee, the NACE International Policy Committee, or both.
- 1.3. For complaints that require handling by the NACE International Policy Committee, the Institute Secretary/Executive Director shall forward the complaint to the NACE International Chief Executive Officer for handling.
- 1.4. For complaints that require handling by the NII Policy and Practices Committee, the Secretary/Executive Director first shall ensure that the complainant has indicated in writing their understanding that their complaint, in its entirety, may be sent to the person who is the subject of the complaint in keeping with due process. Except in rare cases as determined by the NII Executive Director, names of the complainants will not be confidential, to ensure the defendant due process. Further, if a complaint includes third-party testimony, the only portion of the complaint that will be considered during the investigation is the portion for which the complainant directly provided testimony.
  - 1.4.1. If the complainant does not agree that the person who is subject of the complaint may receive the complaint in its entirety, then the matter should be considered closed and no further action will be taken except in rare cases as determined by the NII Executive Director.
- 1.5. The NII Executive Director shall forward the complaint to the Chair of the NII Policy and Practices Committee for initial review to determine if the complaint constitutes a violation of Institute ethics or policy. The Chair will work with certification support

staff to complete their initial review within twenty-one (21) days.

- 1.5.1 If the Chair determines that the allegation is unfounded, no further action shall be taken. The complainant shall be advised in writing by the NII Executive Director that the issue is closed and no further action will be taken.
- 1.5.2 If the Chair believes the allegation to be credible, further investigation shall be made. In this event, the person against whom the allegation is lodged shall be advised in writing by the NII Executive Director, giving the nature and the details of the allegation. The written notification by the NII Executive Director shall be made by certified or registered mail with a signature required, and electronically, to the defendant's email address of record with the Institute. If the defendant cannot be reached at the address s/he has provided to the Institute, then the investigation may proceed without the defendant's feedback.
  - 1.5.2.1. If the allegation includes misrepresentation or improper use of certification, marks, logos, seals, or any other property of the Institute, a "cease and desist" will be included with the written notification.
  - 1.5.2.2. The written notification shall be made by certified or registered mail with a signature required, and electronically, to the defendant's email address of record with the Institute. If the defendant cannot be reached at the address s/he has provided to the Institute, then the investigation may proceed without the defendant's feedback.
- 1.5.3 The defendant shall have a maximum of forty-five (45) days (calculated from the date of receipt as determined by the courier service) to respond to the notification from the NII Executive Director.
- 1.5.4 From the conclusion of the forty-five (45) day period, the Committee shall meet within twenty (20) business days to review and deliberate the complaint and any response from the defendant. The Committee may make inquiries as they deem necessary to complete the investigation of the complaint.
  - 1.5.4.1 Following completion of the investigation, which may occur during the initial discussion in section 1.4, above, the Committee will rule on the complaint. The ruling shall occur within four (4) months of the meeting barring extenuating circumstances
  - 1.5.4.2 The complaint shall be deemed to be unjustified if the Institute Policy and Practices Committee fails to find

the complaint justified by the required two-thirds (2/3) vote. The Institute Policy and Practices Committee shall inform the Institute Secretary/Executive Director of the findings. The Institute Secretary/Executive Director shall then advise all parties involved, in writing, and the case will be considered closed.

1.5.4.3 If the Institute Policy and Practices Committee decides by a two-thirds (2/3) vote of all members that the complaint is justified, it shall in most cases direct the Institute Secretary/Executive Director to advise in writing the person complained against, to cease and desist from further actions or behavior of the type covered by the complaint. Compliance with this directive, if issued, shall be confirmed in writing to the Institute Secretary/Executive Director within thirty (30) days. Failure to do so will result in further disciplinary action.

1.5.5 The Institute Policy and Practices Committee may recommend additional action to be taken in addition to or in lieu of the directive such as one of the following:

1.5.5.1 Suspend NACE International membership and any Institute office held for a specified period or until satisfactory correction of the complaint has been affected.

1.5.5.2 Revoke NACE International membership and any Institute office held by the person complained against.

1.5.6 The Institute Policy and Practices Committee may also take any action or combination of actions that it determines will appropriately address the complaint, such as issuing a reprimand, suspending or revoking Institute certification(s), or revising Institute policies and procedures to prevent future infractions by members.

1.6 The Institute Board of Directors shall be advised of the Institute Policy and Practices Committee's findings and the Institute Secretary/Executive Director shall inform the affected person in writing of the specifics of the disciplinary action and describe the course of appeal procedures that are available in the following paragraphs.

1.6.1 If the complaint is also being investigated by the NACE International Policy Committee, the NACE International Chief

Executive Officer and the Chair of the NACE International Policy Committee shall also be advised of any recommended action.

- 1.6.2 Should the person who has been subject to disciplinary action wish to appeal the action, then he/she shall notify the Institute Secretary/Executive Director within sixty (60) days of receipt of the disciplinary communication.
- 1.6.3 Upon receipt of an appeal, the Institute Secretary/Executive Director shall notify the Institute Board of Directors.
- 1.6.3 All appeals shall be handled by the Institute Board of Directors.
- 1.6.4 The decision of the Institute Board of Directors shall be the final outcome of all appeals processes.