



Association for Materials Protection & Performance

Ethics and Professional Practice Committee

Prepared by:

Ethics Committee Task Group

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Article 1: Introduction and General Procedures

SECTION 1: INTRODUCTION

The following Ethics Procedures (the “Procedures”) is the official process for processing and reviewing possible violations of AMPP’s rules, policies, or any provision of applicable law, with examples including, but not limited to the following: attestations made to AMPP, candidate agreements, code of conduct, or any AMPP terms and conditions or terms of service. These Procedures are applicable up to and including, but not limited to: (1) all members of AMPP; (2) all individuals who hold AMPP credentials; (3) all individuals who apply to commence the AMPP certification process; (4) all individuals who write public information; (5) all individuals who participate in any AMPP events, sections, areas, business, etc.; and (6) all companies that apply for and/or who has received accreditation through AMPP. Throughout these Procedures, the individuals, or company, to whom these Procedures apply may be referred to collectively as “Respondent”.

These Procedures shall apply to all complaints, allegations, or inquiries received about a respondent, whether initiated by another individual holding the AMPP credential, AMPP or its agents, or other third parties. Actions taken under these Procedures do not constitute enforcement of the law, although referral to appropriate federal, state or local government agencies may be made in connection with a Respondent’s conduct in appropriate situations. Individuals bringing complaints are not entitled to any rights, relief, or damages by virtue of submitting a complaint, other than receiving notice that their complaint has been received. Complaints involving claims of libel or slander may not be considered under these Procedures unless they also involve potential violations of the Code of Ethics or otherwise are included in the grounds for disciplinary action set forth herein. The Ethics Committee shall take no action or shall cease action as soon as the Committee is made aware of litigious action and shall not be authorized to grant any damages or take other action other than as set forth herein.

These Procedures are applicable to both the AMPP and AMPP Global Center organizations (collectively called AMPP). The Ethics Committee, Review Committees, and Ethics Appeal Committee have the authority to act on behalf of both associations.

SECTION 2: DEVELOPMENT AND ADMINISTRATION PROCEDURES

- a) The Ethics Committee is responsible for the development and administration of these Procedures.
- b) The Chair of the Ethics Committee (the “Chair”) is specifically responsible for ensuring that these Procedures are implemented and followed.
- c) All members of the Ethics Committee, AMPP staff, and other individuals engaged in investigations or decisions on behalf of AMPP, with respect to any complaint, allegation, or inquiry under these Procedures, are indemnified and shall be defended by AMPP against any liability arising from related activities to the extent permitted by law, provided such individuals act in good faith and with reasonable care, without gross negligence or willful misconduct, and do not breach any fiduciary duty owed to AMPP.

SECTION 3: COMPLAINTS

Complaints may be submitted by any individual but must be set forth in writing by using the AMPP Ethics Complaint Submission Form. Anonymous complaints shall not be accepted. AMPP staff may self-initiate an inquiry if circumstances warrant, including submitting a complaint form. Inquiries or submissions other than properly submitted complaints will not be accepted. All such complaints, allegations, inquiries or submissions shall be directed to the AMPP staff at complaints@ampp.org. In all cases, the complainant will receive notification that their submission has been received.

SECTION 4: REVIEW COMMITTEE

- a) Every complaint that AMPP staff determines that further review is appropriate shall be reviewed by the appropriate Review Committee (RC).

- b) The approved Ethics Committee roster shall be comprised of the Chair and representatives from one of the following Review Committees/Areas:
 - 1. Accreditation Program Area – 5 members
 - 2. Certification Program Area– 3 members
 - 3. Publications Program Area – 1 member
 - 4. General Complaint Area – 1 member

SECTION 5: REVIEW OF COMPLAINT

- a) Upon receipt and review of any such complaint, AMPP staff may determine if the complaint filed needs additional information or evidence to proceed, or if the complaint merits further review by one of the following Review Committees (RC): Accreditation, Certification, Publications, or General. If the staff determines that an alleged violation needs further review, staff shall submit all documentation to the appropriate RC to conduct an investigation, as outlined in the workflow. The RC may be assisted in the conduct of its investigation by AMPP staff and/or legal counsel.
- b) The respondent shall have the right to review the evidence reviewed by the RC, in connection with the complaint, and have an opportunity to respond to the allegations in the complaint, via a rebuttal, including providing statements from third parties.
- c) The respondent may be represented by counsel with respect to an ethics matter. If the respondent chooses to be represented by counsel at a deliberation by the RC, the respondent must notify the AMPP staff representative of the name and address of the representative/ counsel at least fourteen (14) days prior to the date set for the deliberation. The RC may use the services of counsel in its discretion.
- d) All investigations and deliberations by the RC are to be conducted in executive session.

SECTION 6: GROUNDS FOR DISCIPLINARY ACTION

- a) If upon completion of its investigation the RC rules by a majority vote that there is fair preponderance of the evidence that a violation occurred, the accusation shall be deemed founded. When the RC finds that there has been a violation, it shall also determine the appropriate disciplinary action and shall advise the CEO, Ethics Committee Chair and Vice Chair, and the respondent regarding the disciplinary action, as outlined in the workflow.
- b) If the RC does not rule that there is fair preponderance of the evidence that a violation has occurred, the complaint shall be dismissed with notice to the respondent.
- c) The grounds for disciplinary action include, but are not limited to:
 - 1. Gross negligence or willful misconduct in the performance of services, or other unethical or unprofessional conduct based upon serious violations of the AMPP applicable rules or policies.
 - 2. Conviction of a respondent of a felony or other crime of moral turpitude under federal or state law in a matter related to the conduct of business in the corrosion and materials performance profession.
 - 3. Fraud or misrepresentation, including, but not limited to, in the application or maintenance of AMPP certification, accreditation or other professional recognition or credential; copyright infringement; plagiarism; improper behavior, including harassment in any form.

SECTION 7: DISCIPLINARY ACTIONS

A disciplinary action is taken as a result of a claim filed against a respondent/company that is found to be valid by the reviewing RC. The RC may take any adverse disciplinary action that it believes appropriate.

SECTION 8: APPEAL HEARING

- a) As shown in the workflow, the respondent (also known here forth as the appellee) may submit in writing a request for an appeal. However, the grounds for appeal of an adverse decision are strictly limited to the following: (i) the RC committed clear error in following these Procedures and that misapplication prejudiced the respondent or (ii) the RC's decision had no reasonable basis for arriving at the conclusion it reached. All requests are to be submitted in writing and to complaints@ampp.org, within the time guidelines, as shown in the workflow. If the appeal request fails to provide on its face sufficient information and documentation to support an appeal, the EAC shall reject the appeal without a hearing.

1. The EAC members shall be:

- a. Past Chair of AMPP Board of Directors
 - b. Past Chair of AMPP Global Center Board of Directors
 - c. Chair of the Ethics Committee
- b) To the extent that an appeal hearing is granted by the EAC, the AMPP Ethics Committee staff representative will work with the EAC and the appellee to determine a mutually agreed upon date and time for the appeal hearing.
- c) The appeal hearing shall be held in executive session.
- d) Participation
- a. Representation - Either party may be represented by legal counsel. Should the appellee intend on being so represented at the appeal hearing, the appellee shall notify the AMPP staff representative of the name and address of the representative/counsel at least fourteen (14) days prior to the date set for the hearing.
 - b. No one will be permitted to attend the hearing other than the EAC, the appellee, appellee's legal counsel, provided that sufficient advance notice of appellee's counsel attending the hearing is provided, any other individual who has been approved to be present at the hearing in advance by the EAC and AMPP Staff Representative.
 - c. The EAC shall have the right, in its sole discretion, to approve a request by the appellee to postpone the appeal hearing.
- e) Written appellate submissions and all reply submissions may be made by the respondent, the RC, AMPP, or respondent's legal counsel. The decision of the EAC shall either affirm or overturn the determination by the RC that a violation has occurred. The decision of the EAC, including a statement of the reason(s) for the decision, shall be reported to the AMPP staff representative for distribution to the AMPP CEO, Executive Committee and the RC.
- f) All decisions of the EAC shall be by majority vote. The decision of the EAC shall be final and binding upon AMPP and the respondent.

SECTION 9: COOPERATION

If the respondent fails to cooperate with AMPP in this process, their membership, certification, accreditation, or leadership role within AMPP may be immediately suspended or revoked.

SECTION 10: CONFLICT OF INTEREST

If a member of the Ethics Committee or Ethics Appeal Committee (EAC) has a conflict of interest (e.g. recent or current business relationship, friendship) with an individual or company (as the complainant or respondent), the Committee member shall notify the Ethics Committee Chair and AMPP staff representative and recuse themselves from the investigation immediately. The Ethics Committee Chair shall name a replacement from the AMPP Ethics Committee or when in appeal, the corresponding AMPP or AMPP Global Center Board of Directors, to investigate the violation. Proxies are not allowed.

Article 2: Accreditation Review Committee (ARC)

SECTION 1: DEFINITION OF CRITICAL FAULTS

- a) Critical faults are actions associated with accredited companies' activities including, but not limited to, specifications, work plans and job-specific actions, which violate AMPP's policies and procedures, as identified during an investigation/audit.
- b) Critical faults will trigger disciplinary action. "Very Severe" critical faults may, in general, trigger the harshest disciplinary actions.
- c) Critical faults classified as "very severe" shall be reviewed and adjudicated solely by the Ethics Committee. If a "very severe" designation has been discovered via a company audit, the auditor must notify the Ethics Committee Staff Representative within seven (7) days of violation discovery. If discovery is not passed to the Ethics Committee Staff Representative within seven (7) days, the investigation will begin from the time of discovery.

SECTION 2: VERY SEVERE CRITICAL FAULTS

1. A **Very Severe** fault can result from, including but not limited to, the following events:

- a) Criminal Conviction – Criminal conviction of the contracting firm, corporation, affiliation corporation, owner, officers, directors or managing agents of the contracting firm or affiliated corporation, company or entity for any felony in connection with operation of the firm or in connection with surface preparation and/or coating application operations, whether the conviction arises by a finding of guilty by a judge or jury, plea of guilty or plea of nolo contendere.
- b) Illegal Business Practices - Illegal or unethical business practices of the contracting firm or corporation or affiliated corporation, company or entity, such as, but not limited to, administrative actions, falsification of certified payroll, or systematic violation of labor or tax laws.
- c) A pattern (three separate instances in a 12-month period) of substantiated, reliable, unsolicited reports of ethical practice violations by any representative of the firm's management on a project (e.g., company officer, production supervisor, foreman, superintendent, quality control representative, or safety representative).
- d) Fraud
- e) Altering any reports, documents, or test results on a project, as documented by a facility owner or representative or AMPP.
- f) Misrepresentation or non-disclosure of information that is required to obtain, renew or maintain certification, as documented by AMPP.
- g) Other - Two severe faults (as cited by the auditor) in a one-year period shall be brought forth to the Ethics Committee.

Note: For purposes of this document, affiliated company is defined as: Business concerns, organizations, or individuals are affiliates of each other if, directly or indirectly: (1) either one controls or has the power to control the other, or (2) a third-party controls or has the power to control both. (Indicia of control include, but are not limited to, interlocking management or ownership, identity of interests among family members, shared facilities and equipment, common use of employees), (3) Is a business entity organized following the revocation, suspension, or proposed for same of a contractor which has the same or similar management, ownership, or principal employees as the contractor that was subject to revocation or debarred, suspended, or proposed for such.

The Disciplinary Action Table below includes, but is not limited to, Critical Faults that may be addressed by the Ethics and Professional Practice Committee. Based on the nature of the violation, disciplinary actions could range from Warning to Revocation, but are typically Suspension or Revocation. AMPP reserves the right to impose any of the below sanctions based on the nature of the violation.

Disciplinary Action Table

CRITICAL FAULTS (found in Section II.A of the DAC)	WARNING	PROBATION	SUSPEND	REVOKE
VERY SEVERE				
<ul style="list-style-type: none"> * Criminal conviction of the contracting firm's owner, officers, directors or managing agent for a felony related surface preparation and coating operations * Criminal conviction of the painting firm or corp. or affiliated corp., company or entity in connection with surface preparation and coating application operations, whether the conviction arises by a finding of guilty by a judge or jury, a plea of guilty, * Illegal business practices * A pattern of reports of ethical practice violations * Fraud * Altering any reports, documents, or test results on a project * Misrepresentation or nondisclosure of information required for certification * Two severe faults in a 1-year period 	N/A	N/A	N/A	1 Critical Fault
MULTIPLE DISCIPLINARY ACTIONS ISSUED	N/A	2 Warnings in 1 Year	2 Probations in 1 Year	3 Probations in 1 Year, or 2 Suspensions in 1 Year

Article 3: Certification Review Committee (CRC)

SECTION 1: DEFINITIONS

Ethical violations as they pertain to AMPP's Certification Review Committee include, but are not limited to, the following:

- a) Examination cheating/Sharing of examination materials/items
- b) Falsification of certification credentials
- c) Receipt/providing bribes
- d) Breach of confidentiality
- e) Lack of consideration of public safety and welfare
- f) Dishonest reporting/Unethical workplace performance
- g) Conflict of Interest
- h) Misrepresentation of qualifications/Unprofessional behavior associated with the certification brand (in the workplace, or any public forum)

SECTION 2: EXAMINATION CHEATING

- a) In the event that a candidate is accused of cheating on a proctored examination, the candidate will not be eligible to receive the exam grade, nor certification, until the investigation is complete. If an examination grade has already been released, the examination grade shall be invalidated until such time that the investigation is complete, and a determination made by the RC.
 - a. If the claim was inconclusive, the candidate shall be notified of the RC's determination and may be offered the opportunity to retake the examination, if the candidate was not able to complete the examination.
 - b. Certification information will only be released in the event that the claims have been determined as unfounded.

SECTION 3: FALSIFICATION OF CERTIFICATION CREDENTIALS

If the allegation(s) include misrepresentation or improper use of certification marks, logos, seals, or any other property of AMPP, a "cease and desist" may be included with the initial written notification.

SECTION 4: NOTIFICATION ABOUT CERTIFIED INDIVIDUALS*

Listed under each type of disciplinary action are the notifications that AMPP will issue following that disciplinary action:

1. **Warning**
 - a. Sanction to Certified Individual (Respondent)
 - b. Notification to AMPP Administration
 - c. Notification to AMPP Executive Committee(s)
 - d. Notification to Ethics Committee Chair and Vice Chair
2. **Suspension**
 - a. Sanction to Certified Individual (Respondent)
 - b. Notification to AMPP Administration
 - c. Notification to AMPP Executive Committee(s)
 - d. Notification to Ethics Committee Chair and Vice Chair
 - e. General announcement in MP Magazine, Corrosion Journal, and AMPP Online (web site) with the individual's name and certification status only.

***Note:** For AMPP to issue disciplinary action to a certified individual, an ethical violation must have occurred during their certification term. For initial applicants, ethical violations occurring up to 24 months prior to submittal of their application for certification will be considered in determining application status or certification status. AMPP reserves the right to issue disciplinary action for ethical violations that have occurred but are discovered at a later date. AMPP staff will verify the validity of each reported ethical violation.

Article 4: General Review Committee (GRC)

SECTION 1: DEFINITIONS

Ethical violations as they pertain to AMPP's General Review Committee include, but are not limited to, the following:

- a) Harassment (physical, sexual, verbal, etc.)
- b) Behavioral misconduct
- c) Misappropriation of funds, bribery, fraud, embezzlement
- d) Criminal conviction of a member for any felony in connection with any AMPP volunteer committees, whether the conviction arises by a finding of guilty by a judge or jury, plea of guilty or plea of nolo contendere.
- e) General policy violations and procedures

Article 5: Publications Review Committee (PRC)

SECTION 1: DEFINITIONS

Ethical violations as they pertain to AMPP's Publications Review Committee, shall be referred to the PRC after multiple, blatant violations have occurred. Publications violations include, but are not limited to, the following:

- a) **General Violations:** copyright infringement
- b) **Editor Violations:** citation coercion, bias, etc.
- c) **Author Violations:** scholarly misconduct (plagiarism), publishing in multiple publications, etc.