



Association for Materials Protection & Performance

Ethics and Professional Practice Committee

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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, 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 as “Respondent”, those filing the complaint as “Complainant”, and collectively as “Parties”.

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 any ongoing action, as soon as it is made aware of any litigation or administrative proceedings taken against the Respondent. The complaint shall be placed in deferred status for a period of no longer than one (1) year from the date of filing the complaint with AMPP. Complaints in litigation or outside administrative review may proceed via the AMPP Ethics process if the Ethics Committee is notified within the one (1) year period by the Complainant that the litigation or administrative actions are no longer active. If the complaint is not adjudicated by the Ethics Committee within one (1) year, the complaint will be closed.

These procedures may be temporarily amended or suspended at the discretion of the Ethics Committee on a case-by-case basis to protect the best interests of one or both parties.

These Procedures are applicable to both the AMPP and AMPP Global Center organizations (collectively called AMPP). The Ethics Committee 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, modification, 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. At the direction of the Chair, AMPP staff may self-initiate an inquiry if circumstances warrant and such complaint must be submitted via the AMPP Complaint Form.

Submissions, other than properly submitted complaints, including supporting documentation, 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 PANEL

- a) Complaints properly submitted and including sufficient evidence in the discretion of AMPP staff, shall be reviewed by the Review Panel (RP).
- b) The Review Panel (RP) shall consist of two current Ethics Committee voting members and an Ethics Committee Past Chair, who shall determine if a complaint can proceed for consideration by the full Ethics Committee. If the complaint is not sent to the Ethics Committee for further review, the complaint will be dismissed and the Complainant notified.
- c) Review Panel (RP) members shall serve one (1) year terms. Members of the Review Panel (RP) shall not be counted for the purposes of quorum when the full Ethics Committee deliberates a complaint.

SECTION 5: REVIEW OF COMPLAINT

- a) Upon receipt and review of a complaint, AMPP staff may determine if the complaint filed needs additional information or evidence to proceed, or if the complaint merits further review by the Review Panel (RP): If the staff determines that an alleged violation needs further review, the Director of Board Relations shall review the provided information to confirm the identity of the respondent listed in the complaint. Once confirmed, staff shall submit all documentation to the RP to conduct an investigation. The RP may be assisted in the conduct of its investigation by AMPP staff and/or legal counsel.
- b) If the Review Panel determines that a hearing is warranted, the Respondent shall have the right to review the evidence reviewed by the RP, in connection with the complaint, and have an opportunity to respond to the allegations in the complaint, via a written rebuttal, including providing statements from third parties.
- c) The Parties shall be notified of the date of the hearing and permitted to provide additional documentation, including a list of witnesses, within the timeframe provided.

SECTION 6: CONDUCT OF HEARING

- a) The AMPP Staff Representative, in consultation with the Parties and Ethics Committee Chair, sets a hearing time and date, that will take place virtually. The Ethics Chair may call a pre-hearing conference in order to refine the issues, or for any other purpose useful to a fair and expeditious disposition of the matter.
- b) No less than ten (10) business days before the hearing date, the Complainant and Respondent shall provide to the Committee Chair and all other parties:

- Additional documentation that relates to the complaint, so long as it does not introduce new allegations or is prejudicial to the other party.;
 - A list of all witnesses the Complainant or Respondent may call at the hearing, together with a summary stating the substance of each witness' testimony. Any witness omitted from this list or for whom no summary is provided will not be allowed to testify at the hearing;
 - A copy of all documents or other tangible evidence to be introduced at the hearing. Exhibits attached to the Complaint, or the Response need not be resubmitted. Any tangible evidence omitted cannot be introduced at the hearing unless good cause is shown for the omission and the other party is not substantially disadvantaged;
 - Any agreements as to facts or issues entered into by the parties. The parties must make a good faith effort to agree on those facts and issues not in dispute between them; and
 - A realistic estimate of the length of time it will take to present testimony and evidence.
- c) The Parties and all attendees at the hearing will conduct themselves respectfully and civilly and adhere to the Ethics Committee Chair's directions and rulings.

The Ethics Committee Chair may dismiss a Complaint or recommend discipline against a Respondent for the violation charged without further proceedings if either party, or such party's advisors or counsel, act in a disruptive or obstructive manner.

The Ethics Committee Chair has the full authority to issue instructions and make decisions for the fair and orderly presentation of evidence and conduct of a hearing.

The Ethics Committee Chair may dismiss a complaint without a hearing, on the following grounds:

- If the Complainant has breached confidentiality;
 - If the Complainant fails repeatedly to respond to any requests made by the Ethics Committee Chair or AMPP Staff Representative; or
 - If the Complainant acts in a manner calculated to disrupt or obstruct the proceedings.
- d) The Parties may be represented by counsel, or advisors of their choosing, with respect to an ethics matter. If the Parties choose to be represented by counsel at the hearing, the Parties must notify the AMPP Staff Representative of the name and address of the representative/counsel at least fourteen (14) days prior to the date of the hearing. The Ethics Committee may use the services of counsel in its discretion.
- e) All investigations and deliberations by the Ethics Committee are to be conducted in executive session. The hearing is closed to all but the parties, their lawyer or advisor, AMPP Staff Representative, the Ethics Committee and such persons the Ethics Committee Chair may allow in the interest of fairness to the parties or in the interest of AMPP.
- f) The rules of evidence as they apply in judicial proceedings do not apply to AMPP hearings. Generally, the Ethics Committee Chair will accept all evidence that bears on the truth or falsity of a charge and give such evidence the weight it deserves. Evidence that is repetitive or irrelevant may be excluded. Each party shall be afforded the opportunity to question witnesses presented by the opposing party.
- g) The Complainant has the burden of proving the facts upon which a violation may be found. In the event the Complainant's evidence does not establish a violation, the complaint shall be dismissed.

- h) After the hearing, finding of the facts shall be recorded, which summarizes the complaint and the Ethics Committee's final decision. The outcome of the complaint shall be made available to the parties and shall be provided to the Ethics Appeals Committee if the final decision is appealed. Sanction information is only provided to the Respondent and Ethics Appeals Committee.
- i) A quorum of the Ethics Committee for consideration of a case shall be no less than 3 members, including the Chair.
- j) Either party may challenge the participation of an Ethics Committee member in the consideration of a case. The only grounds for such challenge are alleged bias, prejudice, or conflict of interest.
- k) At no point shall the Complainant, Respondent, or any of either party's respective lawyer or advisor (except as otherwise expressly provided in these Rules of Procedure) have any contact with any member of the Ethics Committee, concerning the case.

SECTION 7: GROUNDS FOR DISCIPLINARY ACTION

- a) If the Ethics Committee 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 Ethics Committee finds that there has been a violation, it shall also determine the appropriate disciplinary action, as shown in the appended Disciplinary Chart. A final decision letter shall be sent to the AMPP CEO and the parties.
- b) If the Ethics Committee 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 parties.
- 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 8: 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 Ethics Committee. The Ethics Committee may take any adverse disciplinary action in compliance with the appended Disciplinary Chart.

SECTION 9: APPEALS

The parties (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:

Complainant:

- Dismissal of a complaint by the Ethics Committee Chair without a hearing.

Respondent:

- The Ethics Committee committed clear error in following these Procedures and that misapplication prejudiced the respondent, OR
- The Ethics Committee's decision had no reasonable basis for arriving at the conclusion it reached.

All appeals requests are to be submitted in writing and to complaints@ampp.org, within 30 days of the Ethics Committee's final decision.

If the appeal request fails to provide on its face sufficient information and documentation to support an appeal, the Ethics Appeals Committee (EAC) shall reject the appeal without a hearing.

The EAC shall be comprised of the voting members of the **AMPP Executive Committee**.

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.

The appeal hearing shall be held in executive session.

Participation

- a. Representation - Either party may be represented by legal counsel or an advisor. 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 parties, parties' legal counsel/advisor, provided that sufficient advance notice of counsel/advisor attending the hearing is provided, AMPP Staff Representative, and any other individual who has been approved to be present at the hearing in advance by the EAC.
- c. The EAC shall have the right, in its sole discretion, to approve a request by the appellee to postpone the appeal hearing.

Written appellate submissions and all reply submissions may be made by the parties, the Ethics Committee, AMPP, or parties' legal counsel. The decision of the EAC shall either affirm or overturn the determination by the Ethics Committee. 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 parties, AMPP CEO, and Ethics Committee.

EAC will not consider facts or evidence not available to the Ethics Committee and EAC at the time the decision was made from which the appeal is taken.

All decisions of the EAC shall be by majority vote. The decision of the EAC shall be final and binding upon AMPP and the parties.

SECTION 10: 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 11: 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, familial relationship), or if said member believes they cannot be impartial due to a positive or negative relationship 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.

Upon notification to the parties of who will be reviewing their case on the Ethics Committee or EAC, if either party notes a potential conflict of interest with any of those named, that member must recuse themselves from the investigation and proceedings immediately.

Article 2: Accreditation

All Accreditation complaints shall be reviewed by the AMPP Ethics Review Panel (RP). The RP shall, in its sole discretion, determine if the complaint shall be reviewed by the Ethics Committee or the Accreditation Review Committee (ARC), for further investigation in accordance with this document, or if the case is dismissed.

The Ethics Committee shall adjudicate the Accreditation complaints based on the grounds of Illegal or Unethical Business Practice, as defined in the Disciplinary Action Criteria (DAC) document.

4.5 ILLEGAL OR UNETHICAL BUSINESS PRACTICE DEFINITIONS

4.5.1. Illegal or Unethical Business Practice – Very Severe Critical Fault Practice

A Very Severe fault can result from the following events:

a. Criminal conviction of the 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.

A . Criminal conviction of the contracting firm or corporation or affiliated corporation, 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, or a plea of nolo contendere.

a. 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.

b. 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).

c. Fraud, as documented.

d. Altering any reports, documents, or test results on a project, as documented by a facility owner or representative or AMPP.

e. Misrepresentation or non-disclosure of information that is required to obtain, renew, or maintain accreditation, as documented by AMPP.



Association for Materials Protection & Performance

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 control 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.

Disciplinary Action Table

CRITICAL FAULTS (found in Section 4 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 <p>*Criminal penalties assessed for wage and hour regulatory violations; falsification of payroll records; kickbacks and bribes paid; debarment for wage/hour violations; legal settlement requiring contractor to pay back or additional wages to employees</p>	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

SECTION 1: DEFINITIONS

Ethical violations as they pertain to Certification includes, 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, in conjunction with the Ethics Review Panel, will verify the validity of each reported ethical violation.

Article 4: General

SECTION 1: DEFINITIONS

Ethical violations as they pertain to general complaints 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

SECTION 1: DEFINITIONS

Ethical violations, as they pertain to AMPP's Publications shall be referred to and reviewed by the Ethics Review Panel. 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.