

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 Policy & Practices Committee will not allow members or any complainant to unfairly utilize the complaint process to enhance his or her case in litigation, nor will it allow persons to involve NACE 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 Policy 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. Any disciplinary complaints against staff shall be referred to the Secretary/Executive Director and/or President. The following procedure shall be used in handling all complaints:
- 1.2. The Secretary/Executive Director shall send copies of all information to the Policy and Practices Committee members (in confidence).
- 1.3. The Policy and Practices Committee must act on the complaint within four (4) months of the date it is received in writing from the Secretary/Executive Director.
- 1.4. The Policy and Practices Committee members shall conduct a preliminary investigation and evaluation to determine if the complaint constitutes a violation of Institute ethics or policy unless the Policy and Practices Committee decides to postpone consideration pending the outcome of litigation or other proceedings.
- 1.5. If the Policy and Practices Committee comes to a unanimous decision that the complaint is unfounded or that the Institute is not the appropriate entity to address the complaint, this decision will be communicated to the Secretary/ Executive Director who shall so advise the complainant in writing. The matter will be considered closed.
- 1.6. If one or more of the Policy and Practices Committee members believes the complaint to be valid, further investigation shall be made. In this event, the person against whom the complaint is lodged will be advised by registered mail by the Secretary/Executive Director, giving the nature and the details of the complaint. The person being complained against shall have 60 days after notification to present an explanation. The response may be in the form of a presentation or a written rebuttal to the Policy and Practices Committee. At this stage, the Policy and Practices Committee may also make such other inquiries or investigations as deemed necessary.
- 1.7. The complaint shall be deemed to be unjustified if the Policy and Practices Committee fails to find the complaint justified by the required two-thirds vote. The Policy and Practices Committee shall inform the Secretary/Executive Director of the findings. The Secretary/Executive Director shall then advise all parties involved, and the case will be considered closed.
- 1.8. If the Policy and Practices Committee decides by two-thirds vote of all members that the complaint is justified, it shall in most cases direct the Secretary/Executive Director to advise in writing the person complained against, with copies to the Board of Directors, 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 Secretary/Executive Director within thirty (30) days. Failure to do so will result in further disciplinary action.
- 1.9. The Policy and Practices Committee may recommend additional action to be taken by the Board of Directors in addition to or in lieu of the directive such as one of the following:
 - 1.9.1. Suspend membership and any Institute office held for a specified period or until satisfactory correction of the complaint has been effected.
 - 1.9.2. Revoke membership and any Institute office held by the person complained against.
 - 1.10. The Policy and Practices Committee may, however, take any action or combination of actions that it determines will appropriately address the complaint, such as issuing a reprimand or revoking NACE certification. The Secretary/Executive Director shall inform the Board of Directors of any actions or reprimands taken.
 - 1.11. The Board of Directors shall review the Policy and Practices Committee's recommendation and may accept the recommendation or ask the Policy and Practices Committee to reconsider its recommendation. If the Board accepts the recommendation of the Policy and Practices Committee, the Secretary/Executive Director shall inform the affected person in writing of the specifics of the disciplinary action and describe the course of appeal available in the following paragraphs.
 - 1.12. Should the person who has been subject to disciplinary action wish to appeal the action, then he/she shall notify the Secretary/Executive Director within sixty (60) days of receipt of the disciplinary communication.
 - 1.13. Upon receipt of an appeal, the Secretary/Executive Director shall notify the Board of Directors.
 - 1.14. All appeals shall be handled by the Board of Directors.