

8. DISCIPLINARY PROCEDURES: Violation of NACE Policies

General Policy Statement: The Policy Committee will not allow the complaint process to be utilized to enhance a party's case in litigation, nor will it allow NACE to become involved in litigation or other private disputes between parties. To the extent that the subject of a complaint is also the subject of a legal proceeding to which NACE is not a party, the Policy Committee shall take no action or cease action as soon as the Committee is made aware of legal action.

If the Policy Committee becomes aware that legal action has been initiated, the Chair of the Committee will inform the CEO. The CEO will inform both parties, if applicable, that the complaint does not comply with NACE policies and procedures, and that the investigation has been terminated.

Any complaints about the professional behavior or practices of any Association member or staff relating to the Association Policies must be in writing and should be addressed to the Chief Executive Officer (CEO). The following procedure shall be used in handling all complaints:

8.1 The CEO of NACE International shall determine whether a complaint potentially involves violations of policy that fall under the scope of the NACE International Policy Committee, the NACE International Institute Policy and Practices Committee, or both.

8.2 For Complaints against staff it is the responsibility of the CEO to address through NACE International corporate policies and the applicable employment laws and regulations. This procedure does not apply.

8.2 For complaints that require handling by the Institute Policy and Practices Committee, the NACE International CEO shall forward the complaint to the Secretary/Executive Director of the Institute for handling. If the complaint is also being sent to the NACE International Policy Committee for review, the Secretary/Executive Director of the Institute shall be so advised so that the two committees can coordinate their actions.

8.3 The CEO shall send copies of all information to the Policy Committee members (in confidence) as well as the Executive Committee.

8.4 The Policy Committee must initiate a preliminary evaluation on the complaint within three (3) months of the date it is received in writing from the CEO.

8.5 The Policy Committee members shall conduct a preliminary evaluation to determine whether or not the complaint is considered to be valid and may constitute a violation of Association ethics or policy. Affirming the validity of the complaint is not an implication that the complaint is true and does not attribute guilt to any or all parties of the complaint.

8.6 If the Policy Committee comes to a unanimous decision that the complaint is unfounded or that NACE is not the appropriate entity to address the complaint, this decision will be communicated to the Executive Committee and the CEO, and the CEO will so advise the complainant in writing. The matter will be considered closed with respect to further action by the Policy Committee.

8.7 If a majority of Policy Committee decides that consideration of a complaint that was not sent to the NACE Institute Policy and Practices Committee should be referred to them as well, the CEO shall immediately advise the NACE International Institute Secretary/Executive Director of this decision.

8.8 If one or more of the Policy 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 expedited mail with confirmation of receipt by the CEO, 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 Committee. At this stage, the Policy Committee may also make such other inquiries or investigations as deemed necessary. If both the Policy Committee and the NACE International Institute Policy and Practices Committee are handling the complaint and decided to investigate the matter, NACE staff shall coordinate this effort to avoid any duplicate contacts with persons involved.

8.9 The complaint shall be deemed to be unjustified if the Policy Committee fails to find the complaint justified by the required two-thirds vote. The Policy Committee shall inform the Executive Committee and the CEO of the findings. The CEO shall then advise all parties involved, and the case will be considered closed.

8.10 If the Policy Committee decides by two-thirds vote of all members that the complaint is justified, it shall in most cases direct the CEO to advise in writing the person complained against, with copies to the Board of Directors, to cease and desist from further actions or behave or of the type covered by the complaint. Compliance with this directive, if issued, shall be confirmed in writing to the CEO within thirty (30) days. Failure to do so will result in further disciplinary action. The Policy Committee may recommend action to be taken by the Executive Committee in addition to or in lieu of the directive such as one of the following:

8.10.1 Suspend membership and any Association office held for a specified period or until satisfactory correction of the complaint has been effected.

8.10.2 Revoke membership and any Association office held by the person complained against.

The Policy Committee may, however, take any action or combination of actions, up to and including the measures set forth in 8.10.1 and 8.10.2, that it determines will appropriately address the complaint, such as issuing a reprimand, requiring the member to take educational courses, or revising NACE policies and procedures to prevent future infractions by members.

The CEO shall inform the Board of Directors of any actions or reprimands taken.