



CEDIA[®]
CERTIFICATION

CEDIA Disciplinary & Complaints Policy & Procedure

Introduction

The Certification Commission has adopted the following procedures to allow individuals to bring complaints concerning the conduct of CEDIA certificants to the Commission.

In the event a certificant violates the Code of Conduct and/or Commission certification rules, requirements, and/or policies the Commission may sanction the individual as described in this policy.

Grounds for Sanctions

The grounds for sanctions under these procedures may include, but are not necessarily limited to:

- Violation of Certification Commission rules, requirements, and/or policies, including the Code of Conduct.
- Conviction of a felony or other crime of moral turpitude under federal or state/provincial law in a matter related to the practice of, qualifications for, or services provided by a CEDIA certificant.
- Gross negligence, willful misconduct, or other unethical conduct in the performance of services for which the individual has achieved CEDIA certification.
- Fraud, falsification, or misrepresentation in an initial application or renewal/recertification application for certification.
- Falsification of any material information requested by the Commission.
- Misrepresentation of certification status, including abuse of logo.
- Cheating on any certification examination.

Actions taken under this policy do not constitute enforcement of the law, although referral to appropriate federal, provincial, or local government agencies may be made about the conduct of the certificant in appropriate situations. Individuals initially bringing complaints are not entitled to any relief or damages by virtue of this process, although they will receive notice of the actions taken.

Complaints

Complaint Submission

Complaints may be submitted by any individual or entity. Complaints should be reported to the Commission in writing and should include the name of the person submitting the complaint, the name of the person the complaint is regarding along with other relevant identifying information, a detailed description of factual allegations supporting the charges, and any relevant supporting documentation. Information submitted during the complaint and investigation process is considered confidential and will be handled in accordance with Commission's Confidentiality policy (Cert-107).

Preliminary Review

Upon receipt and preliminary review of a complaint involving a certificant the Director of Certification in consultation with the Certification Commission Chair may conclude, in their sole discretion, that the submission:

- contains unreliable or insufficient information, or
- is patently frivolous or inconsequential.

In such cases, the Director of Certification and Certification Commission Chair may determine that the submission does not constitute a valid and actionable complaint that would justify bringing it before the Commission for investigation and a determination of whether there has been a violation of substantive requirements of the certification process. If so, the submission is disposed of by notice from the Director of Certification and Certification Commission Chair to its submitter, if the submitter is identified. All such preliminary dispositions are reported to the Commission at its next meeting.

Preliminary review will be conducted within 15 business days of receipt of the complaint.

If a submission is deemed by the Director of Certification and Certification Commission Chair to be a valid and actionable complaint, the Certification Commission Chair will see that written notice is provided to the certificant whose conduct has been called into question. The certificant whose conduct is at issue will also be given the opportunity to respond to the complaint. The Certification Commission Chair also will ensure that the individual submitting the complaint receives notice that the complaint is being reviewed by the Commission.

Complaint Review

For each complaint that the Certification Commission Chair concludes is a valid and actionable complaint, the Commission authorizes an investigation into its specific facts or circumstances to whatever extent is necessary in order to clarify, expand, or corroborate the information provided by the submitter.

Ethics Committee Responsibilities

The CEDIA Ethics Committee will investigate and make an appropriate determination with respect to each such valid and actionable complaint.

The Ethics Committee initially determines whether it is appropriate to review the complaint under these Procedures or whether the matter should be referred to another entity engaged in the administration of law.

The timeline for responses and for providing any additional information will be established by the Ethics Committee. The Ethics Committee may be assisted in the conduct of its investigation by other members of the Commission, by CEDIA staff, and/or legal counsel. The Certification Commission Chair exercises general supervision over all investigations.

The individual submitting the complaint and the certificant who is the subject of the investigation may be contacted for additional information with respect to the complaint. The Ethics Committee, or the Commission on its behalf, may at its discretion contact such other individuals who may have knowledge of the facts and circumstances surrounding the complaint.

All investigations and deliberations of the Ethics Committee and the Commission are conducted in confidence, with all written communications sealed and marked "Personal and Confidential," and they

are conducted objectively, without any indication of prejudice. An investigation may be directed toward any aspect of a complaint which is relevant or potentially relevant. Formal hearings are not held and the parties are not expected to be represented by counsel, although the Ethics Committee and Commission may consult their own counsel.

Certificants who are found to bring frivolous complaints against other certificants or CEDIA may be subject to disciplinary action by the Commission, up to and including revocation of certification.

Members of the Ethics Committee will be reimbursed for reasonable expenses incurred in connection with the required activities of the Committee.

Determination of Violation

Ethics Committee Recommendation

Upon completion of an investigation, the Ethics Committee recommends whether the Commission should make a determination that there has been a violation of Commission policies and rules. When the Ethics Committee recommends that the Commission find a violation, the Ethics Committee also recommends imposition of an appropriate sanction. If the Ethics Committee so recommends, a proposed determination with a proposed sanction is prepared under the supervision of the Ethics Committee Chair and is presented by a representative of the Ethics Committee to the Commission along with the record of the Ethics Committee's investigation.

Certification Commission Determination

Complaint Dismissal

If the Ethics Committee recommends against a determination that a violation has occurred, the complaint is dismissed with notice to the certificant and the individual or entity who submitted the complaint; a summary report is also made to the Commission.

Determination of Violation

The Commission reviews the recommendation of the Ethics Committee based upon the record of the investigation. The Commission may accept, reject, or modify the Ethics Committee's recommendation, either with respect to the determination of a violation or the recommended sanction to be imposed. If the Commission makes a determination that a violation has occurred, this determination and the imposition of a sanction are promulgated by written notice to the certificant, and to the individual submitting the complaint, if the submitter agrees in advance and in writing to maintain in confidence whatever portion of the information is not made public by the Commission.

In certain circumstances, the Commission may consider a recommendation from the Ethics Committee that the certificant who has violated the certification program policies or rules should be offered an opportunity to submit a written assurance that the conduct in question has been terminated and will not recur. The decision of the Ethics Committee to make such a recommendation and of the Commission to accept it are within their respective discretionary powers. If such an offer is extended, the certificant at issue must submit the required written assurance within thirty days of receipt of the offer, and the assurance must be submitted in terms that are acceptable to the Commission. If the Commission accepts the assurance, notice is given to the submitter of the complaint, so long as the submitter agrees in advance and in writing to maintain the information in confidence.

Sanctions

Any of the following sanctions may be imposed by the Commission upon a certificant whom the Commission has determined to have violated the policies and rules of its certification program(s), although the sanction applied must reasonably relate to the nature and severity of the violation, focusing on reformation of the conduct of the member and deterrence of similar conduct by others:

- written reprimand to the certificant;
- suspension of the certificant for a designated period; or
- termination of the certificant's certification.

Reprimand in the form of a written notice from the Certification Commission Chair normally is sent to a certificant who has received his or her first substantiated complaint. Suspension normally is imposed on a certificant who has received two substantiated complaints. Termination normally is imposed on a certificant who has received two substantiated complaints within a two year period, or three or more substantiated complaints. The Commission may at its discretion, however, impose any of the sanctions, if warranted, in specific cases.

Certificants who have been terminated will have their certification revoked and may not be considered for Commission certification in the future. If certification is revoked, any and all certificates or other materials requested by the Commission must be returned promptly to the Commission.

Appeal

Request for Appeal

Within thirty (30) days from receipt of notice of a determination by the Commission that a certificant violated the certification program policies and/or rules, the affected certificant may submit to the Commission in writing a request for an appeal.

Appeal Committee

Upon receipt of a request for appeal, the Certification Commission Chair establishes an appellate body consisting of at least three, but not more than five, individuals. This Appeal Committee may review one or more appeals, upon request by the Certification Commission Chair. No current members of the Ethics Committee or the Certification Commission may serve on the Appeal Committee; further, no one with any personal involvement or conflict of interest may serve on the Appeal Committee. Members of the Appeal Committee may be reimbursed for reasonable expenses incurred in connection with the activities of the Committee.

Basis for Appeal

The Appeal Committee may only review whether the determination by the Commission of a violation of the certification program policies and/or rules was inappropriate because of:

- material errors of fact, or
- failure of the Ethics Committee or the Commission to conform to published criteria, policies, or procedures.

Appeal Procedure

Only facts and conditions up to and including the time of the Commission's determination as represented by facts known to the Commission are considered during an appeal. The appeal will not include a hearing or any similar trial-type proceeding. Legal counsel is not expected to participate in the

appeal process, unless requested by the appellant and approved by the Commission and the Appeal Committee. The Commission and Appeal Committee may consult legal counsel.

The Appeal Committee conducts and completes the appeal within ninety (90) days after receipt of the request for an appeal. Written appellate submissions and any reply submissions may be made by authorized representatives of the member and of the Commission. Submissions are made according to whatever schedule is reasonably established by the Appeal Committee. The decision of the Appeal Committee either affirms or overrules the determination of the Commission, but does not address a sanction imposed by the Commission. The decision of the Appeal Committee, including a statement of the reasons for the decision, is reported to the Commission.

The Appeal Committee decision is binding upon the Commission, the certificant who is subject to the decision, and all other persons.

Resignation

If a certificant who is the subject of a complaint voluntarily surrenders his or her certification at any time during the pendency of a complaint under these Procedures, the complaint is dismissed without any further action by the Ethics Committee, the Commission, or an Appeal Committee established after an appeal. The entire record is sealed and the individual may not reapply for certification. However, the Commission may authorize the Certification Commission Chair to communicate the fact and date of resignation, and the fact and general nature of the complaint which was pending at the time of the resignation, to or at the request of a government entity engaged in the administration of law. Similarly, in the event of such resignation, the person or entity who submitted the complaint are notified of the fact and date of resignation and that Commission has dismissed the complaint as a result.

Process Overview

