



## **POLICIES AND PROCEDURES**

**POLICY NUMBER:** 98-1  
**SUBJECT:** Code of Conduct  
**EFFECTIVE DATE:** June 1, 1998  
**REVISION DATE:**  
**SUPERSEDES:**  
**APPROVED BY:** Board of Directors 4/21/98

---

The rules of Association conduct below are those rules that deal with the obligation of a member acting within the scope of association business. To safeguard the interests of the Association, and its membership, the rules of conduct contain authority for the Board of Directors, per the Association's Bylaws, to enforce the rules by effectively disciplining any member who abuses the authority of the association, or who commits a serious violation of the five rules listed as below. These rules are intended to conform to the purpose of the Association.

Each member recognizes that there may be violations of rules of conduct which the Association is not equipped to handle, such as major criminal activity, or when the Code of Conduct is being invoked for purely personal reasons, where the alleged violation of the code is plainly incidental. The Association reserves the right to decline jurisdiction, or may defer jurisdiction to a Federal, State or Local agency with concurrent disciplinary jurisdiction over the activity of the member.

Each member recognizes that the Association does not have power to subpoena, and that it is not able to provide any remedies save reprimand, suspension of membership, or expulsion of the member.

Each member is entitled to Due Process, and the Association therefore prescribes procedures, for the purpose of enforcing the rules of Association conduct, rules that shall be consistent with those specified in the California Corporations Code, and that shall be reviewed annually. The procedures shall be filed as an attachment to this Policy.

The Code of Conduct belongs to the Association, and no member who files a claim has rights to any part of the proceedings.

### **POLICY:**

1. When acting as an agent of the Association, each member shall act in the best interests of the Association. As such, each member of the Association shall serve all members of the Association impartially. No member shall provide special privilege to any individual member. No member, nor any member of the member's family, shall accept personal compensation, gifts or other remuneration from any supplier or contractor to the Association, unless the member provides full disclosure and obtains the informed consent of the Association's Board of Directors, except as provided in paragraph 2 below.

2. Acceptance of perishable or other gifts of a nominal value, such as advertising or promotional materials clearly marked with company brand names is not considered improper. Acceptance of reasonable business meals or the exchange of reciprocal courtesies of the same approximate nominal value between members and/or employees and their supplier/contractor friends is not considered improper when such is infrequent.
3. Each member shall maintain the confidentiality of privileged information entrusted or known by virtue of activities within the Association, including but not limited, to information related to the Technical Certification Program examinations and results.
4. While present at Association functions, and/or while conducting Association business, each member shall refuse to engage in or countenance, conduct that is likely to be detrimental to the reputation of the Association, such as, but not limited to, the misrepresentation of the member's authority.
5. Association funds, property and equipment exists solely for the benefit of the entire membership in the conduct of official Association business, therefore, no member shall utilize any funds, property or equipment belonging to the Association for his/her personal purposes or gain. Association funds, property and equipment shall be removed from the Association's premises only with the written consent of the Board of Directors or the Executive Director, and for the benefit of the Association, and shall be promptly returned when the Association's business has been concluded.

#### DUE PROCESS PROCEDURES -- CODE OF CONDUCT FOR ASSOCIATION MEMBERS

1. Any claim of violation of the Code of Conduct for Association Members (hereinafter referred to as Code of Conduct) shall be provided to the Executive Director in writing.
2. The Executive Director may return the claim of violation for clarification, or deny the claim on the basis that it does not allege facts which constitute a violation of the Code of Conduct.
3. The Executive Director shall provide the member alleged to have violated the Code of Conduct with written notice of the allegations within five (5) working days of receipt of the allegations. The letter shall be sent U.S. mail, with certificate of mailing, and shall include notification of the procedures to be followed by the Association, the possible sanctions and shall provide the member information on his/her right to comment.
4. The Executive Director shall immediately investigate, and shall submit a written report within twenty working days, on the findings resulting from the investigation, regardless of whether or not the investigation produces evidence that substantiates the accusations or claims made. In appropriate cases, the Board may appoint a person other than the Executive Director to carry out the provisions of this paragraph.
5. If there is no substantial evidence in support of the allegations, the Board, or its designee shall have the authority to dismiss the claim. No further action shall be taken, and the member alleged to have committed the violations shall be so notified.
6. If there is substantial evidence to support an appropriate claim, the Executive Committee shall set a date for hearing, with such date being no more than fifteen working days after the date of the report.
7. The respondent member shall be provided with written notice of claimed violations of the Code of Conduct, and notice of such hearing date, no less than ten days prior to the date, with notice mailed U.S. mail, certificate of mailing. Notice shall also contain information

apprising the alleged violator of his/her right to be present at the Hearing, or be represented at the Hearing, and make oral or written comments, or refute any evidence.

8. The member alleged to have violated the Code of Conduct may request a delay or postponement of the Hearing providing that such request is made in writing and is received by the Executive Director at least five days prior to the date of the scheduled Hearing. A substitute date shall then be scheduled within fifteen days, with notice likewise mailed U.S. Mail. No more than two requests for delay shall be granted.
9. The member who filed written notice of the alleged violations may also be notified of the date of the Hearing.
10. The Board shall designate a person to represent the Association at the Hearing. The Executive Committee, with the President presiding, shall first hear the allegation, and the results of the investigation from the Executive Director. The member filing the allegation may then present further comments.
11. The member alleged to have violated the Code of Conduct may then present, have presented on his/her behalf by any representative he/she may choose, including legal counsel, any contravening evidence or facts. If the member elects to be represented by Counsel, Counsel shall be at the member's own expense. The respondent shall have the right to call witnesses and cross examine adverse witnesses. The obligation of producing witnesses is entirely the responsibility of the respondent, as the Association has no subpoena power.
12. Any member of the Executive Committee may ask any question relating to the claim of a witness at any time.
13. At such time as the Hearing is closed, and the Executive Committee shall adjourn to deliberate. The Presiding Officer shall announce that the decision will be mailed to the respondent member and to other parties as determined by the Executive Committee.
14. If the Executive Committee elects to take action, the member alleged to have violated the Code of Conduct shall be advised in writing of the action proposed, and the date the action proposed shall take effect.
15. Any appeal shall be filed with the Board of Directors in writing, via U.S. mail, deliverable to the Executive Director and shall be limited to claimed failure by the Executive Committee to follow due process procedures.
16. The Board may elect to sustain the action of the Executive Committee, or may overrule the decision. Any decision or action shall be communicated to the alleged violator in writing, by U.S. Mail. Any decision or action by the Board shall be considered final.