

# ETCP DISCIPLINARY ACTION PROCEDURE

(\*\*this outline is an informational document only and does not address the policy in its whole, which is available upon request.)

## Hearing Process

1. The process begins once a WRITTEN Complaint is received by the ETCP Manager. The Complaint must state which standard(s) of the ETCP Code of Conduct was (were) violated along with the basis of the claim.
2. If the Complaint has been fully and properly documented the case is then forwarded to the ETCP Council Disciplinary Committee.
3. If the Disciplinary Committee concludes there is substantial evidence to support the alleged violation, the Disciplinary Committee chair will, within 120 days of receipt, convey written notice to the person who filed the complaint that the committee will review the Complaint further.
4. The person who allegedly violated the Code, hereafter the Respondent, will be notified in writing that a Complaint has been filed. The Respondent will receive a copy of the Complaint and all supporting material and will be given a period of thirty-five (35) business days during which to submit a written Answer.
  - a. If an Answer is received, the matter will be assigned to a "Hearing Panel" consisting of the chair (or his/her designee) and two other members of the Disciplinary Committee.
  - b. If no Answer is received, the Disciplinary Committee will likely treat the alleged facts and allegations as conceded by the Respondent.
5. Once entering the Hearing phase, both Complainant and Respondent will receive:
  - a. a notification of the hearing date and time;
  - b. copies of the Complaint, Answer, and all supporting documentation;
  - c. an opportunity to participate in a closed meeting, with representation if so desired. The meeting may be a teleconference, or if requested in writing by both parties, a face-to-face meeting.
6. At the Hearing, each side may state his/her case. The Hearing Panel will then conduct a question/answer session. Each party will be given time for closing arguments.
7. Immediately following the conclusion of the hearing, the Hearing Panel will meet in executive session to consider a decision.

## **Sanction Levels**

1. If the Hearing Panel determines that no violation of the Code has occurred, a written decision, signed by all voting members of the Hearing Panel, will be sent by the ETCP Certification Manager to the Respondent with a copy to the Complainant. No further action shall be taken.
2. If the Hearing Panel determines that the Respondent has violated the Code of Conduct, the Hearing Panel will recommend one of the following sanctions.
  - a. Level 1: A finding of violation, transmitted in writing by the ETCP Manager, to both Complainant and Respondent only.
  - b. Level 2: A finding of violation with recommendation to the ETCP Council to suspend the Respondent's ETCP certification for a specific length of time, not to exceed twelve (12) months. A simple majority vote of the Council is required to suspend a person's certification.
  - c. Level 3: A finding of violation with recommendation to the ETCP Council to permanently revoke the Respondent's certification, an action that requires a two-thirds vote of the Council. Before revocation, the Respondent is given the opportunity to address the Council.

## **Appeals Withdrawals and/or Settlements**

1. Once the Council decision is reached, the Respondent will have thirty (30) business days from the date of the notification letter to file an appeal, with all supporting documentation, to the ETCP Council Appeals Committee.
2. Once a Complaint has been heard, if the Council has determined a violation of the Code, any personal settlement made between the Complainant and Respondent, or their parties, shall not change the Council's finding or the official record of the decision.

## **Further Possible Council Action**

1. Upon the withdrawal of a formal Complaint by the Complainant, an agreement by the parties to dismiss the Complaint notwithstanding, the Council reserves the right to take action on its own accord regarding the Complaint.