



National Environmental Balancing Bureau

8575 Grovemont Circle, Gaithersburg MD 20877-4121
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NEBB Personnel Individual Certification

Compliance Policy #121

ISO/IEC 17024:2014
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VERSION 2.0.0

Introduction

In order to maintain and enhance the credibility of the Personnel Certification Program, the Certification Board has adopted the following policy to allow individuals to bring complaints concerning the conduct of individuals who are Certificants or Candidates for Personnel Certification of the Certification Board.

Policy Overview

- A. In the event an individual violates the Code of Business Ethics, Personnel Certification rules, or Personnel Certification program policies, the Certification Board may reprimand or suspend the individual or may revoke Personnel Certification.
- B. The grounds for sanctions under these procedures may include, but are not necessarily limited to:
 1. Violation of the Code of Conduct.
 2. Violation of established Personnel Certification policies, rules and requirements.
 3. Conviction of a felony or other crime of moral turpitude under federal or state law.
 4. Gross negligence, willful misconduct, or other unethical conduct in the performance of services for which the individual has achieved Personnel Certification from NEBB®.
 5. Fraud or misrepresentation in an initial Personnel Certification application or Recertification application.
 6. Actions deemed prejudicial to the best interests of NEBB®.
- C. Actions taken under this policy do not constitute enforcement of the law, although referral to appropriate federal, state, or local government agencies may be made about the conduct of the Candidate or 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.

Procedure for Submitting a Complaint

- A. Complaints should be reported to the Director of Certification in writing and must include:
 1. Name of the person submitting the complaint
 2. Name of the person the complaint is regarding along with other relevant identifying information



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3. Detailed description of factual allegations supporting the charges
 4. Any relevant supporting documentation.
- B. Information submitted during the complaint and investigation process is considered confidential and will be handled in accordance with the Certification Board's Confidentiality Policy.
 - C. Upon receipt and preliminary review of a complaint involving a Certificant or Candidate for Personnel Certification the Director of Certification in consultation with the Chairperson of the Certification Board Chair may conclude, in their sole discretion, that the submission contains unreliable or insufficient information.
 - D. This preliminary review to determine if the complaint is valid and actionable will be conducted within 30 calendar days of receipt of the complaint.
 - E. If a submission is deemed by the Chairperson to be a valid and actionable complaint, the Chairperson shall see that written notice is provided to the individual whose conduct has been called into question.
 - F. The individual whose conduct is at issue shall also be given the opportunity to respond to the complaint within 30 days. The Chairperson also shall ensure that the individual submitting the complaint receives notice that the complaint is being reviewed by the Certification Board.

Valid Complaint Review

- A. For each complaint that the Chairperson concludes is a valid and actionable complaint, the Certification Board 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.
- B. The Chairperson refers the complaint to the Compliance Chairperson who then forms a Review Committee to investigate and make an appropriate determination with respect to each such valid and actionable complaint.
- C. The Review 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.
- D. The timeline for responses and for providing any additional information shall be established by the Review Committee.
- E. The Review Committee may be assisted in the conduct of its investigation by NEBB® staff or legal counsel. The Chairperson of the Certification Board Chairperson exercises general supervision over all investigations.
- F. Both the individual submitting the complaint and the Candidate or Certificant who is the subject of the investigation (or his or her employer) may be contacted for additional information with respect to the complaint.



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- G. The Review Committee, or the Certification Board on its behalf, may at its discretion contact such other individuals who may have knowledge of the facts and circumstances surrounding the complaint.
- H. All investigations and deliberations of the Review Committee and the Certification Board are conducted in confidence, with all written communications sealed and marked "Personal and Confidential," and they are conducted objectively, without any indication of prejudgment.
- I. An investigation may be directed toward any aspect of a complaint which is relevant or potentially relevant.
- J. Formal hearings are not held and the parties are not expected to be represented by counsel, although the Review Committee and Certification Board may consult their own counsel.

Determination of Violation

- A. Upon completion of an investigation, the Review Committee recommends whether the Certification Board should make a determination that there has been a violation of NEBB® Certification Board policies and rules.
- B. When the Review Committee recommends that the Certification Board find a violation, the Review Committee also recommends imposition of an appropriate sanction. If the Review Committee so recommends, a proposed determination with a proposed sanction is prepared under the supervision of the Chairperson and is presented by a representative of the Review Committee to the Certification Board along with the record of the Review Committee's investigation.
- C. If the Review Committee recommends against a determination that a violation has occurred, the complaint is dismissed with notice to the Candidate or Certificant, the Candidate or Certificant employer, the individual or entity who submitted the complaint, and the NEBB® Board Executive Finance Committee.
- D. The Certification Board reviews the recommendation of the Review Committee based upon the record of the investigation.
- E. The Certification Board may accept, reject, or modify the Review Committee's recommendation, either with respect to the determination of a violation or the recommended sanction to be imposed.
- F. If the Certification Board makes a determination that a violation has occurred, this determination and the imposition of a sanction are promulgated by written notice to the Candidate or 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 Certification Board.
- G. In certain circumstances, the Certification Board may consider a recommendation from the Review Committee that the Candidate or Certificant who has violated the Personnel 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.



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- H. The decisions of the Review Committee to make such a recommendation and of the Certification Board to accept it are within their respective discretionary powers.
- I. If such an offer is extended, the Candidate or 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 Certification Board.
- J. If the Certification Board accepts the assurance, notice is given to the Candidate or Certificant employer and to the submitter of the complaint, if the submitter agrees in advance and in writing to maintain the information in confidence.

Sanctions

- A. Any of the following sanctions may be imposed by the Certification Board upon a Candidate or Certificant whom the Certification Board has determined to have violated the policies and rules of its Personnel 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:
 - 1. Written reprimand to the Candidate or Certificant;
 - 2. Suspension of the Certificant for a designated period; or
 - 3. Suspension of the Candidate's application eligibility for a designated period; or
 - 4. Termination of the Certificant's Personnel Certification; or
 - 5. Termination of the Candidate's application eligibility for a designated period.
- B. Reprimand in the form of a written notice from the Chairperson normally is sent to a Candidate or Certificant who has received his or her first substantiated complaint.
- C. Suspension normally is imposed on a Candidate or Certificant who has received two substantiated complaints.
- D. Termination normally is imposed on a Candidate or Certificant who has received two substantiated complaints within a two-year period, or three or more substantiated complaints.
- E. The Certification Board may at its discretion, however, impose any of the sanctions, if warranted, in specific cases.
- F. Certificants who have been terminated shall have their Personnel Certification revoked and shall not be considered for Personnel Certification in the future.
- G. If Personnel Certification is revoked, any and all certificates or other materials requested by the Certification Board must be returned promptly to the Certification Board.



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Appeal

- A. Within thirty (30) days from receipt of notice of a determination by the Chairperson of the Certification Board that a Candidate or Certificant violated the Personnel Certification program policies and rules, the affected Candidate or Certificant may submit to the Certification Board in writing a request for an appeal.
- B. Any Candidate or Certificant receiving such adverse decision will receive a copy of this policy along with notification of the appeal period.
- C. Upon receipt of a request for appeal, the Chairperson of the Certification Board establishes an appellate body consisting of at least three, but not more than five, individuals.
 1. The Appeal Committee may only review whether the determination by the Certification Board of a violation of the Personnel Certification program policies and/or rules was inappropriate because of:
 - a. Material errors of fact
 - b. Failure of the Review Committee or the Certification Board to conform to published criteria, policies, or procedures.
 2. Only facts and conditions up to and including the time of the Certification Board's determination as represented by facts known to the Certification Board are considered during an appeal.
 3. The appeal shall not include a hearing or any similar trial-type proceeding.
 4. The Certification Board and Appeal Committee may consult legal counsel.
- D. Legal counsel is not expected to participate in the appeal process, unless requested by the appellant and approved by the Certification Board and the Appeal Committee.
 1. The Appeal Committee conducts and completes the appeal within 120 days after receipt of the request for an appeal.
 - a. Extensions may be applied for due to extenuating circumstances.
 2. Written appellate submissions and any reply submissions may be made by authorized representatives of the member and of the Certification Board.
 3. Submissions are made according to whatever schedule is reasonably established by the Appeal Committee.
 4. The decision of the Appeal Committee either affirms or overrules the determination of the Certification Board, but does not address a sanction imposed by the Certification Board.
 5. The Appeal Committee will confirm receipt of all communications including the initial appeal and will provide notice to the appellant of the end of the appeals-handling process.



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6. The Appeal Committee decision is binding upon the Certification Board, the Candidate/Certificant who is subject to the termination, and all other persons.

Resignation

- A. If a Certificant who is the subject of a complaint voluntarily surrenders his or her Personnel Certification at any time during the pendency of a complaint under these Procedures, the complaint is dismissed without any further action by the Review Committee, the Certification Board, or an Appeal Committee established after an appeal.
 1. Such resignation must include resignation of all NEBB® credentials held by the individual.
 2. The entire record is sealed and the individual may not reapply for Personnel Certification by the NEBB® Certification Board.
- B. However, the Certification Board may authorize the Chairperson 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.
- C. Similarly, in the event of such resignation, the Certificant's employer and the person or entity who submitted the complaint are notified of the fact and date of resignation and that Certification Board has dismissed the complaint as a result.