PROGRAM MAINTENANCE DIVISION STANDARD OPERATING PROCEDURE	TITLE: ETHICS VIOLATIONS	NUMBER: 15.3.1.2 Rev. 2 17 July 2005

1.0 PURPOSE

To provide specific guidelines to the Program Maintenance Division (PMD) Chairman regarding complaints resulting from alleged violations of the Code of Ethics for Nondestructive Testing Personnel certified by The American Society for Nondestructive Testing (ASNT).

2.0 SCOPE

This procedure shall be applied and used under the direct supervision of the PMD Chairman upon receipt of complaints by the Chairman of the Certification Management Council (CMC). This Standard Operating Procedure applies only to individuals that hold valid ASNT Certificates in one or more method.

3.0 RESPONSIBILITY

3.1 The current Chairman of the Certification Management Council is responsible for:

3.1.1 Charging the Program Maintenance Division Chairman, to instigate and investigating alleged charges formally brought against any holder of a valid ASNT Certificate.

3.1.2 Establishing a three CMC member committee to function as the Ethics Committee.

3.1.3 Naming the PMD Chairman to act as Chairman of the Ethics Committee, and appointing the ACCP Division and Level III Division Chairmen to the committee. The ASNT Technical Services Manager shall be appointed as a non-voting member.

3.2 The ASNT Technical Services Manager is responsible for providing the necessary headquarters support to the Ethics Committee, as well as being the point of contact for all related investigatory interface activities.

3.3 In the event the PMD Chairman cannot function as the Ethics Committee Chairman, the CMC Vice Chairman shall function as interim Ethics Committee Chairman.

4.0 REFERENCES

4.1 Certification Management Council Rules of Conduct – CMC 1-01, latest revision.

4.2 CMC Program Management Standard Operating Procedure – CMC-PMD-15.3.1, latest revision.

5.0 DEFINITIONS

5.1 “Person” means any individual, partnership, corporation, or association.

5.2 “Sanction” means a revocation or suspension of a Certificate or a written reprimand of the holder of a Certificate.

5.3 “Certificate” means the document issued by ASNT pursuant to the actions of the Certification Management Council in accordance with the rules and procedures heretofore published by ASNT.

5.4 "Quorum" for this procedure means a simple majority of the Ethics Committee.

5.5 "Complainant" is the individual filing the Complaint.

5.6 "Respondent" is the individual accused of violating the Code of Ethics.

6.0 COMPLAINTS AND INVESTIGATIONS

6.1 Complaints

6.1.1 The original of all written complaints, evidence, and pleading must be filed with the Chairman of the Program Management Division in care of ASNT Headquarters.

6.1.2 The Complaint shall contain:

6.1.2.1 The name, place of residence or business, telephone, fax, or email of any person(s) making charges as will as the name, place of residence or business, and ASNT certificate number (if available) of the person or persons charges are being made against.

6.1.2.2 A clear and concise description of the issues of fact involved and allegations raised.

6.1.2.3 The relief sought within the authority of the Ethics Committee.

6.1.3 A complaint received in a format other than as officially noted by ASNT Headquarters shall be reviewed by the Ethics Committee Chairman, or designee. If the Complaint appears to have merit, the complainant will be contacted and requested to resubmit the Complaint with the appropriate information. A submission format will be made available to the public containing the information in 6.1.2.

6.1.4 If there is no contact information for the complainant, the Ethics Committee Chairman may determine the Complaint as insufficient and a memorandum of disposition along with the Complaint filed at ASNT Headquarters.

6.1.5 If there is no response, a memorandum to the affect that attempts of contact with the complainant were made, and all matters of the Complaint shall be filed at ASNT Headquarters by the Technical Service Director, and the matter will be deemed insufficient for further action;

6.1.6 or the Ethics Committee Chairman may choose to investigate the matter with either party if no response is made.

6.1.7 Any time prior to setting a hearing date, the Ethics Committee Chairman may contact the involved parties, consult with other Administrative Board members, Headquarters staff, or other CMC member experts for specific clarification issues. Discussions will be relevant to the complaint to determine if the Complaint has merit for a formal hearing.

6.1.8 All Complaints reviewed shall be accompanied with a memorandum of disposition, including all correspondence, evidence, minutes, or other documents and will be filed at ASNT Headquarters.

7.0 COMMENCEMENT OF ACTIONS

7.1 Upon completion of the investigation of a Complaint, the Ethics Committee Chairman shall transmit, in memorandum form, to the Ethics Committee the facts of the Complaint. The Ethics Committee shall vote to schedule a formal hearing or dismiss the Complaint.

7.2 Upon vote for a formal hearing, the Ethics Committee Chairman shall set a date for a hearing before the Ethics Committee and cause to have proper notice of hearing sent to all interested parties prior to the hearing, so as to afford the parties reasonable notice. The notice of hearing shall:

7.2.1 Contain notification of the time and place of the hearing, with due regard for the convenience and necessities of all parties and their representatives.

7.2.2 Indicate a return deadline for the respondent's answer as determined by facts.

7.2.3 Be sent by certified mail or other traceable carrier to the respondent, with a copy of the complaint annexed thereto, at least 30 days in advance of the date set for the hearing.

7.3 If an address is not found for the respondent, a notice on the official ASNT web site may be posted noting the hearing.

7.4 If a Complaint is to be dismissed, the PMD Chairman shall issue a memorandum of disposition to be filed at ASNT Headquarters.

7.5 Motions to Dismiss

The Ethics Committee may, prior to the service of the notice of hearing, consider the charges and, on its own motion or on motion of any party, dismiss the Complaint for insufficiency. If the motion is adopted by the Ethics Committee, the Chairman shall issue a Ruling dismissing the matter and cause to have all parties so notified**.**

8.0 PRE-HEARING PROCEDURES

8.1 Pre-hearing conferences shall be conducted by the Ethics Committee Chairman who shall keep a record of any agreement to issues, admission of facts, or stipulations. Any proposed stipulation pursuant to an agreed case shall:

8.1.1 Be transmitted in writing to the Ethics Committee with the recommendation of the Chairman as to its relevance.

8.1.2 Not be considered to be a waiver of any defense until accepted by the Ethics Committee.

8.1.3 Be followed by a Ruling of the Ethics Committee as provided for in paragraph 9.4, and such Ruling, when properly transmitted, shall be binding on the parties to this proceeding.

8.2 Evidence

The respondent shall be afforded ample opportunity to defend. In order to enable the respondent to defend:

8.2.1 Ethics Committee notices of hearing shall be issued to any party upon request and upon a statement or showing of general relevance or reasonable scope of the evidence sought.

8.2.2 The Ethics Committee Chairman shall furnish copies of, or give access to, all exhibits to be presented at the hearing to all parties of record.

8.2.3 Any communication between the Ethics Committee Chairman and the Ethics Committee regarding the controversy subsequent to initiation of an action and, if relevant to the proceedings, shall be in writing and copy thereof furnished the respondent or his authorized representative.

9.0 CONDUCT OF HEARING

9.1 Hearings shall be conducted before no fewer than a quorum of the Ethics Committee present.

9.1.1 Be presided over by the Ethics Committee Chairman or in his absence, by a designated Committee member, either of whom may be advised on issues by ASNT legal counsel.

9.1.2 Be officially recorded.

9.1.3 Be continued or adjourned for reasonable cause shown.

9.2 In any contested case the Ethics Committee shall adhere to the following rules of evidence.

9.2.1 Except as provided otherwise in this document, the rules of evidence as applied in civil cases need not be strictly followed. It is the Ethics Committee intention to permit full development of all relevant issues.

9.2.2 Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. (Heresy shall not be included).

9.2.3 The Ethics Committee shall give effect to the rules of privilege, which are recognized by the common laws of all states.

9.2.4 When a hearing will be expedited and the interests of the parties will not be prejudiced substantially thereby, all or part of the evidence may be received in written form.

9.2.5 Documentary evidence may be introduced in forms of copies of excerpts, if the original is not readily available, provided that, upon request, parties shall be given an opportunity to compare the copy with the original.

9.2.6 Notice, may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the Ethics

Committee's specialized knowledge, provided, however, that the parties shall be afforded the opportunity to contest the facts so noticed.

9.2.7 Objections to evidentiary offers may be made and shall be noted in the record (shall be ruled on by the Chairman).

9.2.8 When necessary to ascertain facts that cannot otherwise be proved, evidence not admissible under the foregoing rules may be admitted, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs.

9.2.9 Documentary evidence should be submitted as sworn or notarized testimony. A notarized or attested letter should accompany supporting documentation.

9.3 Rulings

9.3.1 After adopting findings of fact and conclusions, the Ethics Committee shall issue a Ruling dismissing the action or providing the sanctions within the authority it deems warranted. The Ruling shall:

9.3.1.1 Be explicit and include, as a part thereof, the official findings of fact and conclusions of the Ethics Committee.

9.3.1.2 Be served upon the respondent by the Ethics Committee Chairman.

9.4 Appeals

A petition to the Ethics Committee for vacation or reduction of the severity of a sanction imposed shall be in writing and may be submitted at any time subsequent to the issuance of a Ruling. The Ethics Committee is not required to provide a hearing for consideration thereof. The Ethics Committee will consider such appeals at their next scheduled convening. A two-thirds (2/3) majority vote of a quorum of Ethics Committee Members present is required to vacate or change a Ruling. If the original Ruling is not thereby vacated or changed, the respondent will be so notified and may appeal in writing to the ASNT Board of Directors. Appeals to the Board of Directors must be received not less than 60 days prior to its next regularly scheduled meeting for consideration at that meeting. Appeals received less than 60 days prior to the next regularly scheduled meeting of the ASNT Board of Directors will not be considered until the following regularly scheduled meeting.

10.0 ANCILLARY MATTERS

10.1 An employee or agent directly engaged in the performance of investigative or advocacy functions for the Ethics Committee, in any case involving sanction, may not participate or advise in the decision, recommended decision, or Committee review, except as witness or counsel in a hearing.

10.2 Any person appearing before the Ethics Committee or its representatives is entitled to be accompanied, represented, and advised by legal counsel. The Ethics Committee may be represented by legal counsel.

10.3 Any member of the Ethics Committee or its Chairman may administer oaths and issue requests for appearance and may issue requests for documents pertinent to hearing.

10.4 If during the course of a hearing, if the PMD Chairman completes their term on the CMC, they may continue duties as Ethics Committee Chairman if matters before the Ethics Committee would be disrupted without their presence.

11.0 SPECIAL MATTERS

Practice or offer to practice by non-certified personnel claiming ASNT certification complaints related to an individual's claims relating to ASNT certification may be received and investigated. Upon receipt of such complaint, the Ethics Committee Chairman shall:

11.1 Make reasonable efforts to notify the individual of the complaint and advise him that he should cease such practice if, in fact, he is so doing, and advise the named individual that such action as necessary may be taken to obtain an order in a court of competent jurisdiction to cause him to cease such practices

11.2 Contact the complainant, if appropriate, to ascertain the facts of the matter from the complaint.

11.3 Consult with other members of the Ethics Committee or Technical Services Manager as appropriate regarding the complaint and facts.

11.4 The Technical Services Manager shall place the named individual on a list or otherwise note that this individual is prohibited from taking any ASNT Examinations unless they appear before the Ethics Committee to appeal the actions against them.

12.0 POWERS OF THE ETHICS COMMITTEE

12.1 The Ethics Committee shall have the power to suspend, refuse to renew, or revoke the Certificate of any ASNT Certified individual, to reprimand any Certificant, or to place any Certificant on probation who is found guilty by the Ethics Committee of an unauthorized practice; or:

12.1.1 The practice of fraud or deceit in obtaining a Certificate; or

12.1.2 Any gross negligence, incompetence, or misconduct in the practice of Nondestructive Testing; or

12.1.3 Having been convicted by a court of law of a felony; or

12.1.4 Having violated the "Code of Ethics for Nondestructive Testing Personnel Certified by ASNT".

12.2 The Ethics Committee, with approval of the ASNT Board of Directors, may apply to a court of competent jurisdiction for an enforcement of its administrative decisions and Rulings.

13.0 POWER TO ISSUE RULES AND REGULATIONS

As approved by the ASNT Board of Directors, the Ethics Committee may promulgate Rules and Regulations from time to time pertaining to its powers to administrate provisions of this procedure and may establish further administrative provisions in addition to those set forth in this procedure.

14.0 PUBLIC INFORMATION

14.1 This procedure shall be published and made available to the public for guidance of the public.

14.2 From time to time a list of all Rulings of the Ethics Committee shall be published as approved by the CMC.

14.3 All matters of official record in any Rulings shall be available to the public for inspection and copying, except that work product of any investigations authorized by the Ethics Committee shall not be published, unless specifically made a part of the official record of the Ruling.

15.0 CONTROL OF RECORDS

15.1 All Ethics Committee records shall be classified and can only be released through the written permission of the CMC Chairman.

15.2 All Ethics Committee documents will be preserved.