

AWCI Education and Certificate Programs **Process for the Resolution of Complaints**

Foreword

To retain the designations CEM, CEI, CEP, UCEP and EIFSmart, certificate holders are subject to the *Process for the Resolution of Complaints* administered by the Association of the Wall and Ceiling Industry. Certificate holders waive the right to hold AWCI, its directors, officers, members and/or employees responsible for any damage, pecuniary or otherwise, that may result from discipline associated with the settlement of a complaint.

AWCI can impose sanctions on any candidate or certificate holder whose actions have met the Grounds for Disciplinary Action stated below.

AWCI has adopted and enforces the following Codes of Conduct for certificate holders:

CEM and UCEP Code of Conduct—Holders of the Mechanics' Certificate



1. Shall use the knowledge gained from the AWCI EIFS—Doing It Right education program (or Union derivation for UCEP) and employ current industry accepted application means and methods for EIFS applications.
2. Shall advise the supervisor of the industry accepted application means and methods when directed otherwise.
3. Shall instruct and/or demonstrate to others the correct industry accepted application means and methods when permitted.
4. Shall stay informed of new guidelines, standards, codes and procedures for the application of EIFS.
5. Shall notify AWCI of any occupation change that would affect the validity of the certificate.
6. Shall act in a professional manner and correctly represent the extent of the education associated with the certificate and its purpose.

CEP Code of Conduct—Holders of the Industry Professional Certificate*



1. Shall use the knowledge gained from the AWCI EIFS—Doing It Right education program and employ current industry accepted application means and methods for EIFS applications.
2. Shall accurately represent their professional qualifications.
3. Shall provide only those services they are qualified to perform.
4. Shall advise clients of the scope and limitations of their knowledge and authority.
5. Shall give accurate, unbiased responses when the service includes advice.
6. Shall avoid any involvement, activity or influence that might conflict with the best interests of all parties.
7. Shall stay informed of new guidelines, standards, codes and procedures for the application of EIFS.
8. Shall notify AWCI of any occupation change that would affect the validity of the certificate.

Shall act in a professional manner and correctly represent the extent of the education *or authority* associated with the certificate and its purpose.

* This certificate does not cover forensic or intrusive investigations.

CEI Code of Conduct—Holders of the EIFS Inspector Certificate*



1. Shall use the knowledge gained from the AWCI EIFS—Doing It Right education program and employ current industry accepted application means and methods for EIFS applications.
2. Shall advise clients of the current industry accepted application means and methods.
3. Shall accurately represent their professional qualifications.
4. Shall provide only those services they are qualified to perform.
5. Shall avoid any involvement, activity or influence of professional activities, financial considerations or other that might conflict with the best interests of all parties. If a seeming, perceived or potential conflict arises, full disclosure shall be given and services proceed only if the conflict is waived in writing after disclosure.
6. Shall give accurate, unbiased responses when the service includes advice.
7. Shall act in a professional manner and correctly represent the extent of the education *or authority* associated with the certificate.
8. Shall stay informed of new guidelines, standards, codes and procedures for the application of EIFS.
9. Shall notify AWCI of any occupation change that would affect the type or validity of the certificate.

* This certificate does not cover forensic or intrusive investigations.

EIFSmart Contractor Code of Ethics—The Company Credential



1. Company shall maintain the eligibility requirements for each year the company holds the EIFSmart Contractor distinction and will notify AWCI if the location is unable to maintain compliance for more than two months.
2. Company shall make it known to its employees that they are adopting industry accepted application means and methods as outlined in the AWCI EIFS—Doing It Right.
3. Company shall require application of the knowledge gained from the AWCI EIFS—Doing It Right education program among its EIFS supervisors and field force.
4. Company shall support employees as they abide by the Code of Conduct associated with their personal credential.
5. Company shall act in a professional manner and accurately represent the qualifications of an EIFSmart Contractor to its clients and the industry in general.
6. Shall give accurate, unbiased responses when the service includes advice.
7. Shall avoid any involvement, activity or influence that might conflict with the best interests of all parties.
8. Shall stay informed of new guidelines, standards, codes and procedures for the application of EIFS.

All certificate holders shall receive a copy of the applicable Code of Conduct and this process for the Resolution of Complaints with their certificate or renewal.

Grounds for Disciplinary Action

The following are grounds for disciplinary action:

1. Violating a provision of a Code of Conduct or Ethics.
2. Stealing or attempting to steal an AWCI EIFS—Doing It Right exam, or distributing a stolen exam to others.
3. Obtaining a certificate or taking an examination in a fraudulent or deceitful manner, including but not limited to cheating on an examination or misrepresenting qualifications for a certificate.
4. Representing an individual or contractor designation in a false or misleading manner.
5. Failing to cooperate with AWCI in the investigation of a complaint.
6. Advertising that is fraudulent, false or misleading in form or content.
7. Engaging in substantial and/or repeated acts of negligent or incompetent conduct.
8. Performing the trade while impaired by a physical or mental condition in such a manner that the work or service cannot be provided competently.
9. Taking part in any unethical or deceptive acts such as misrepresenting conditions, procedures, costs or circumstances.
10. Being convicted of a misdemeanor or felony arising from an inspection.
11. Substantial or repeated failure to follow manufacturer recommendations.
12. Unprofessional actions or statements that adversely affect the EIFS—Doing It Right or EIF*Smart* Contractor programs.

Preliminary Requirements for a Valid Complaint

1. Complaint must be of an alleged violation about a certificate holder.
2. The alleged violation must have occurred during the period in which the individual's designation was valid.
3. Complaint must be submitted within one year of the date of the alleged violation.

Required Documentation

1. A written, signed complaint (original and four copies) may be filed by any interested, affected person, AWCI member or by AWCI.
2. The written complaint shall specify and fully describe each alleged violation with reference to the Grounds for Disciplinary Action, the relationship between the complainant and the certificate holder and the services rendered by the certificate holder. The issues need to be communicated clearly to the panel since this is the primary resource for deliberation and decision.
3. The written complaint shall provide sufficient documentation to validate the allegation. Undocumented complaints will not be considered. The documentation should include all applicable pictures, videotapes, test results, evaluations, reports, written proposals, contracts, change orders, brochures, work samples, correspondence and/or other tangible evidence supporting the allegation. The written complaint should identify the name, address, telephone number and e-mail address, if any, of all witnesses. Corroborating submissions, such as statements, letters or affidavits by witnesses or third parties, are useful to validate the allegation.

Deliberations

1. Upon receipt of the written complaint and required documentation, AWCI shall determine if the evidence submitted is sufficient to raise a credible issue of violation of the Grounds for Disciplinary Action. AWCI may seek appropriate information from other knowledgeable parties as well. If there is insufficient evidence, the Complainant will be so notified and no further action will be taken.
2. If, in the opinion of AWCI, the evidence raises a credible issue, AWCI will send by registered mail the *Process for the Resolution of Complaints*, a copy of the written complaint and supporting evidence and any information or evidence gathered from other knowledgeable parties to the certificate holder.
3. The certificate holder will have 60 days to provide a written statement of position supported by relevant information and evidence to refute the allegation (original and three copies) or the certificate holder may voluntarily forfeit the certificate, future recognition of having received a certificate and use of the designation. If the issue(s) between the certificate holder and the Complainant are mutually resolved within 60 days, AWCI may take no further action.
4. An AWCI Review Panel consisting of three neutral and objective members, appointed by the AWCI President, will review the written statements and evidence from the Complainant and the certificate holder.
5. The Panel will deliberate by e-mail and/or conference call, in its sole discretion, and shall normally do so if the material facts are not in dispute. The Panel may request additional information or evidence from either party or from witnesses identified by the parties. If requested by the Panel, either party or a witness may be invited to participate in a conference call or respond via e-mail. The Panel shall not consult with the Complainant without prior notice to the certificate holder and vice versa. Any information obtained from the parties or witnesses or in conference call or e-mail shall be furnished to the other party, who shall have the right to comment or rebut.
6. If resolution of the complaint depends upon assessment of the relative credibility of witnesses, or if the factual allegations are too complex in the sole judgment of the Panel to be resolved by deliberations as described in Paragraph 5, an in-person hearing may be conducted with procedures to be decided by the Panel. All costs of the hearing shall be borne equally by the parties and may be reallocated by the Panel in its decision. In its sole discretion, the Panel may use formal legal rules of evidence and/or the procedures of the American Arbitration Association as guidelines for the hearing. In any case, the parties and the Panel may be represented by counsel and may present documents and witnesses. The parties shall exchange copies of all evidence in advance, unless already provided to the other party. Each party may present brief opening and closing statements. The Panel may consider evidence of absent witnesses by deposition, affidavit or telephone conference, in its sole discretion.

Settlement

When deliberations are completed, the Panel will determine the complaint by, but not limited to, the following, as applicable:

1. Dismissal of the allegation.
2. Remedial action for the certificant holder, such as additional education.
3. A written warning.
4. A written reprimand.
5. Suspension of designation for a specified time.
6. Revocation of designation.
7. Payment of the investigation costs.
8. Reallocation of the costs of the hearing.
9. Reinstatement of designation or permission to reapply for the designation after a specified time.

The Panel shall issue a written decision containing findings of fact and conclusions. The decision shall be final and binding on the parties and may be enforced in a court of competent jurisdiction by either party or AWCI unless a timely appeal is granted.

The certificate holder may appeal an adverse decision of the Panel by written notice filed within thirty (30) days of receipt of the Panel's decision. The notice shall state the particular finding(s) as to which appeal is sought and a brief statement of the grounds for disputing such finding. The appeal will be decided by the AWCI Executive Committee at a regular or special meeting based on a reexamination of the existing information material to the appeal. No person who participated in the Panel deliberations may participate in the determination of the appeal.

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