

Progressive Action Policy for Certification Complaints and Allegations

Purpose and Scope

This Procedure establishes the process for resolving allegations and complaints involving *Participants* that have been certified by the American Institute of Steel Construction (“AISC”) Certification Program (the “Program”). Investigations and resulting actions will follow a prescribed series of progressive steps to evaluate the information provided and determine the appropriate course of action.

All persons involved in processing Allegations or Complaints, including AISC staff, members of the AISC Board and Committees, Consultants, Subcontractors, and Complaint Review Task Group (“CRTG”) members will keep confidential all information related to the Allegation or Complaint and its resolution and comply with AISC’s conflict of interest policy.

Allegations or Complaints involving misrepresentation of a company’s status as an AISC Certification Program Participant are not within the scope of this procedure.

Definitions

Allegation: An informal request for action from any party with knowledge of activities by a Program Participant that are alleged to be in violation of Program requirements. Submission of written substantiating information is not required.

Basis: Matters that are the proper subject of an Allegation or Complaint, involving alleged failure on the part of a Program Participant to comply with Program requirements.

Complaint: A formal request for action from a party involved in the chain-of-command of a construction project for which an AISC Certification Program Participant has provided materials or services. The Complaint shall be submitted in writing to the AISC President. A complete submittal shall include a statement of the Basis for the Complaint, a contact person, and adequate supporting documentation.

Complainant: A firm or individual submitting either an informal Allegation or a formal Complaint.

Complaint Review Task Group (CRTG): A CRTG shall be selected by the *Discipline Review Board (DRB)* for Complaints elevated to Level 3 of this procedure. The CRTG shall be comprised of a Chair and four members. At least one member shall be a construction owner, owner’s representative, architect, or program manager. One member shall be a member of the same industry as the Program Participant. The other two members may be recruited from a broader spectrum of the construction industry at the discretion of the Discipline Review Board.

Discipline Review Board (DRB): The DRB is responsible for administering all Allegations and Complaints and for determining appropriate action through Level 2 of this procedure. The *DRB* shall be comprised of the AISC President, Vice President of Certification, and the AISC General Counsel.

Ombudsman: An industry consultant selected by the DRB, when necessary in connection with a Level 2 procedure, and retained by AISC to conduct an investigation and make recommendations.

Program Participant: The legal entity responsible for the certified facility or company against which an informal Allegation or formal Complaint has been submitted.

Procedure

The following, progressive levels of investigation and action will be undertaken to resolve all informal Allegations and formal Complaints:

Initial Review: An initial review will be performed by the *DRB* of all informal Allegations and formal Complaints to determine if there is sufficient *Basis* for further action under this procedure. Within 20 business days of receipt of the Allegation or Complaint, the *DRB* shall select from among the following three alternatives and report its findings to the Complainant in writing:

- Proceed to Level 1 of this procedure.
- Request additional or clarifying information from the Complainant. When the additional information is submitted, the *DRB* will review and take additional action as appropriate.
- Notify the party submitting the Allegation/Complaint that insufficient Basis was provided to proceed further with an investigation

Level 1 Investigation and Action: The *DRB* shall forward a summary of the Allegation or Complaint with supporting documentation to the *Program Participant* and request a written response within twenty business days from receipt. After the Participant's response is reviewed by the *DRB*, the *DRB* may request additional information and clarification from either or both the *Complainant* and the *Participant*. At the completion of the Level 1 investigation, the *DRB* shall select from among the following alternatives and report its findings to the Complainant and Program Participant in writing:

- Dismiss the Complaint or Allegation.
- Place a report in the *Participant's* file for specific audit actions at the next scheduled audit.
- Order either a scheduled or unscheduled additional audit at the expense of the *Participant* within the 90 day period following issuance of the *DRB* finding.
- Elevate the investigation to Level 2.
If the *Participant* is dissatisfied with the action taken by the *DRB* it may request that the investigation be elevated to Level 2.

Level 2 Investigation and Action: *Allegations and Complaints* with severity warranting possible disciplinary action above those described in Level 1 are processed by the *DRB* as follows:

- The *DRB* selects an *Ombudsman* who will conduct a further investigation at AISC expense and issue a written report to the *DRB*. The *Ombudsman* will meet separately with the *Complainant* and *Participant* providing an independent report of the issues and recommendations. Prior to issuing the report, the *Ombudsman* may require a supplemental audit of the *Participant*. If a supplemental audit is required, the auditor will be appointed by AISC's contract auditing firm in consultation with the *Ombudsman*. The *Ombudsman* may choose to observe the audit.
- The *Ombudsman's* report may recommend dismissal of the Complaint or disciplinary action including, but not limited to, suspension or revocation of the *Program Participant's* certification, additional training, supplemental audits, , and/or additional scheduled audits of the Participant for a three-year audit cycle. The cost related to these actions, shall be borne by the *Program Participant*.

- Should the *Ombudsman* recommend suspension or revocation of the *Program Participant's* certification, or should the *Program Participant* object to any other aspect of the *Ombudsman's* report, the *DRB* will select and convene a *CRTG*, elevating the disciplinary action to Level 3.

Level 3 CRTG Investigation and Action: The AISC President will notify the *Participant* of the names of the individuals selected for the *CRTG*. The *Participant* will have seven days to object to any individual selected for the *CRTG*. If no objection is received it will be presumed that the *Participant* has no objection to the participation by any member of the *CRTG* and the *CRTG Investigation* will proceed.

CRTG Investigation: The *CRTG* is charged with the responsibility of fully investigating the merits of the Complaint; and shall proceed as follows:

1. The *DRB* will provide each member of the *CRTG* a complete package containing all documents and reports of the Allegation or Complaint from its inception through Level 2.
2. The *Complainant* and the *Participant* shall be given 30 days from the date of final constitution of the *CRTG* to provide such additional information to the *CRTG* as either feel may be necessary to justify their position.
3. The *CRTG* shall review this information, and may request additional information from the *Complainant, Participant, Ombudsman,* or Program as required. The *CRTG*, within its discretion, may also choose to ask the *Complainant* and *Participant* to make informal, verbal presentations to the *CRTG* to clarify the issues involved.
4. The *CRTG* may request that a special audit of the *Participant* be performed with or without prior notice. The audit may include a full review of the *Participant's* quality management system following applicable certification criteria. This may include, but is not limited to, observations, interviews with company personnel, review of specific project requirements from the Allegation or Complaint and review of company records. If so directed by the *CRTG*, the auditor may review *any* certification elements, not just elements related to the Basis of the Allegation or Complaint. AISC will bear the cost of any special audit requested by the *CRTG*.

During the Level 3 investigation process communication between the *CRTG* and the *Complainant* and *Participant* will be limited to matters necessary to investigate and evaluate the Complaint.

CRTG Recommendation: Upon completion of its investigation, the *CRTG* will report its findings and recommended disposition of the Allegation or Complaint to the *DRB*. This report will be presented within one month of receiving the charge to evaluate the Complaint from the *DRB* unless the *CRTG* determines that a special audit is required. If a special audit is required the findings and recommendations of the *CRTG* will be due 30 days after completion. The findings and recommendations of the *CRTG* will be reviewed by the AISC President and General Counsel for form and compliance with legal and Program requirements prior to final submission of the *CRTG* findings and recommendations to the Executive Committee of the AISC Board of Directors ("Executive Committee") for a Final Determination.

Final Determination: After submission of the findings and recommendations of the *CRTG*, the Executive Committee will either: 1) seek clarification of the findings and recommendations from the *CRTG*, or 2) confirm the findings and recommendations of the *CRTG*. The AISC President will notify the *Participant* of that decision within 21 days of receiving the final findings and

recommendation of the CRTG. If the Participant is not satisfied with the decision of the Executive Committee it may refer the matter to binding arbitration, in accordance with the procedure set out below, which shall be the Participant's sole and binding means of resolution of any dispute with AISC, its Certification Program or any individual, group, or committee involved with the AISC Certification program or the procedure undertaken in accordance with this Progressive Action Policy for Certification Complaints and Allegations.

Communication

The AISC President will provide the *Complainant* and *Participant* with progress reports and, if applicable, the Final Determination of the Executive Committee.

Arbitration

In the event that the *Participant* wishes to challenge the results of a Level 1, 2, or 3 Determination made in connection with this procedure, the matter will be submitted to a mutually acceptable, independent arbitrator for a final and binding decision. This binding arbitration will be the sole and exclusive remedy of the parties. The *Participant* must direct a written notice of challenge and request for arbitration to the President of AISC within 14 days of receipt of the Determination. If such notice is not received within this time limit the results of the Determination will become final and not subject to further appeal or formal dispute resolution of any kind. If a timely request for challenge and request for arbitration has not been filed and the results of the appeal include suspension of the *Participant's* certification, the *Participant* may reapply for certification in accordance with the normal application process.

If a timely challenge and request for arbitration is filed, neither party shall unreasonably withhold or delay acceptance and appointment of the arbitrator or administration of the arbitration process. The arbitrator will be selected from among a list of not less than three independent persons who are familiar with *Participant's* industry operations. An initial list of potential arbitrators will be prepared and presented to the *Participant* by the DRB. The *Participant* may also suggest potential arbitrators to the DRB.

The arbitration will be administered by the American Arbitration Association and the arbitrator will follow the Construction Industry Arbitration Rules of the American Arbitration Association. Any dispute between the parties related to selection of an arbitrator or administration of the arbitration will be submitted to the American Arbitration Association for resolution; and any decision of the American Arbitration Association on these matters will be final and binding upon the parties. The American Institute of Steel Construction, its Program auditor, and the *Participant* agree that arbitration under this procedure will be the sole, exclusive, and binding remedy for resolution of any dispute arising under or as a result of the AISC Certification Program, the audit and certification processes, or this Progressive Action Policy for Certification Complaints and Allegations.

The Arbitrator may either: 1) Affirm the Determination of the Executive Committee, or 2) Reverse the Determination of the Executive Committee. The decision of the Arbitrator will be final and enforceable as a judgment in a court of competent jurisdiction, and shall constitute sufficient basis for issuance of injunctive relief. All fees and expenses of the arbitrator will be shared equally by AISC and the *Participant*. Any other costs incurred by any party to the dispute will be borne by that party.



Effective date: 12.12.2013

Complaint & Allegation Policy – Attachment I

Progressive Action Policy for Certification Complaints and Allegations Submittal Form

The data entered in this form will be used to administer a complaint or allegation sent to American Institute of Steel Construction (AISC). This information will be reviewed and used to determine if a proper basis exists. Please assure it is accurate to expedite your request. Return the completed form to:

AISC President
AISC
130 E Randolph Street, Suite 2000
Chicago, IL 60601-6204

Today's Date: _____

Company Filing Complaint/Allegation	Company Complaint/Allegation Is Directed Against
Company Name: _____ _____	Company Name: _____ _____
Contact Person: _____	Contact Person: _____
Address: _____ _____	Address: _____ _____
City, State, Zip: _____	City, State, Zip: _____
Phone: _____	Phone: _____
Fax: _____	Fax: _____
E-Mail: _____	E-Mail: _____

Statement of Complaint/Allegation: Please provide a concise statement of the facts supporting the complaint including the project and the type of work and procedures involved. Please use additional sheets as necessary to provide supporting objective evidence. Company proprietary information that may be part of the submitted documentation will be kept confidential.