

**National Association for Catering and Events**  
**Procedures for Review of Member Ethical Conduct**  
**Revised December 20, 2018**

I. Introduction

- A. One or more material violations of any provision of the National Association for Catering and Events (“NACE”) Bylaws, Code of Ethics, rules, policies, or any applicable provisions of the New York Not-For-Profit Corporation Law (collectively, the “Association Rules”) will be grounds for disciplinary action against a member.
- B. These Procedures shall apply to all complaints, allegations, inquiries, or submissions involving a potential misconduct violation (hereinafter collectively referred to as “complaints”) received or initiated by NACE about a member.

II. Review of Complaint

- A. For each complaint involving an alleged violation of the Association Rules that the Board of Directors believes is potentially actionable, the Board shall appoint a Code of Ethics Committee authorized to conduct an investigation into its specific facts and circumstances to whatever extent is necessary in order to clarify, expand, or corroborate the information provided by its submitter, and in order to assist the Code of Ethics Committee in making a determination as to whether charges (and, if so, what charges) against the member should be brought.
- B. The Code of Ethics Committee shall be appropriately assembled so as to render an impartial decision and shall not include members of any chapters or committees in which the complainant(s) or respondent(s) are members.
- C. The Code of Ethics Committee may go beyond the scope of the original complaint in the course of its investigation where the Code of Ethics Committee believes that a broader inquiry is warranted. The Code of Ethics Committee may be assisted in the conduct of its investigation by NACE staff, legal counsel, and/or outside experts. Both the individual submitting the complaint and the member who is the subject of the charge also may be contacted by the Code of Ethics Committee or its agents for additional information with respect to the complaint. In addition, the Code of Ethics Committee or its agents may contact such other individuals who may have knowledge of the facts and circumstances surrounding the complaint. All investigations and deliberations of the Code of Ethics Committee are to be conducted in strict confidence to the extent possible, except that the Code of Ethics Committee shall be permitted to disclose any relevant information when compelled by law or to parties essential to the review and investigation of the alleged misconduct. All investigations and deliberations of the Code of Ethics Committee shall be conducted objectively, without prejudgment of any kind.
- D. Upon completion of its investigation, the Code of Ethics Committee shall determine by a two-thirds vote of a quorum upon a preponderance of the evidence, whether the member should be charged with a violation of the Association Rules. If the Code of Ethics Committee concludes that charges should be brought, it shall prepare, in consultation with NACE’s legal counsel, written charges and a written report explaining the alleged aggrieved conduct and why such conduct may constitute grounds for disciplinary action. This report shall be presented by the Code of Ethics Committee to the NACE Board of Directors (the “Board”), along with the record of the Code of Ethics Committee’s investigation and deliberation.
- E. If the Code of Ethics Committee recommends that charges be brought, the President shall notify the member of the date and time of the Board hearing to consider such charges, such hearing to be scheduled

not less than thirty (30) days from the date of the President's notice to the member. The member shall also be advised that the member has the right to submit information or arguments contesting the charge in person or in writing, as determined by the Board, and to review evidence to be presented at the hearing. If the Board determines that the affected member's hearing shall be conducted with the member present, and the member elects to be present at the Board hearing, the member shall notify the Board of this intent no later than fifteen (15) days prior to the scheduled Board meeting.

### III. Board Hearing and Determination of Violation

- A. If charges are brought and sanctions are recommended by the Code of Ethics Committee, the Board shall review the recommendations of the Code of Ethics Committee and conduct a hearing to review the charges. The President shall preside and make evidentiary or other procedural rulings. If a hearing is held with the charged member present, the President shall, in his or her discretion, determine the rules of evidence and for oral presentations by the parties. Written statements and recorded video conference statements may be accepted as evidence.
- B. The Board may accept, reject, or modify the Code of Ethics Committee's charges with respect to the determination of a violation. If the Board agrees by the affirmative vote of not less than two-thirds of a quorum of the voting members of the Board that a violation has occurred, upon a preponderance of the evidence, then the determination and imposition of a sanction shall be promulgated by written notice to the affected member, as well as to the individual(s) who submitted the complaint. If the Board determines that a violation has not occurred, then the complaint shall be dismissed, with written notice thereof provided to the affected member, as well as to the individual who submitted the complaint. The decision of the Board shall be final and is not subject to appeal.
- C. All examinations of the record by, and deliberations of, the Board are to be conducted in strict confidence to the extent possible, except that the Board shall be permitted to disclose any relevant information when compelled by law. All examinations of the record and deliberations of the Board shall be conducted objectively, without prejudice of any kind.

### IV. Sanctions

- A. One or more of the following sanctions may be imposed by the Board upon a member whom the Board has determined to have violated the Association Rules. The sanction applied should reasonably relate to the nature and severity of the violation. In order of severity, the sanctions are:
  - 1. Written reprimand to, or censure of, the member;
  - 2. Suspension of the member from membership in NACE and all associated privileges, including participation on the Board or any committees of NACE, for a specified period of time;
  - 3. Suspension of the member from membership in NACE with additional conditions to be satisfied for reinstatement, including but not limited to any payment of dues or other fees. Reinstatement after suspension shall not occur until all conditions of reinstatement have been met; or
  - 4. Expulsion of the member from membership and/or barring of future membership in NACE and all associated privileges, including participation on the Board or any committees of NACE.
- B. For each of these sanctions, a written summary of the determination and the sanction, along with the member's name will be communicated to that member's Chapter President.

- C. Nothing in these disciplinary procedures shall preclude NACE from turning over evidence of violations of law to law enforcement authorities.

V. Resignation or Transfer of Membership

- A. If a member who is the subject of a complaint voluntarily submits a written resignation from membership or transfers membership to another individual with the prior written consent of the Code of Ethics Committee, all pending claims against the member will be dismissed. Nothing in the dismissal of a complaint shall prevent the complainant from seeking other legal proceedings or remedies at their sole discretion and expense.
- B. Voluntary resignation or transfer by a member who is the subject of a complaint will be enforced for period of time determined by the board of directors, but of no less than 12 months, from the written date of the resignation or transfer. Upon resumption of membership, complainants may resubmit any complaint that was unresolved at time of the member's resignation.

VI. Amendments

These procedures and the Code of Ethics may be amended from time to time by a majority vote of the Board of Directors.