



## HRCI Complaints and Disciplinary Policy

### A. Introduction

1. HR Certification Institute (HRCI) is an independent certifying organization for the human resources profession. As a certifying organization, HRCI evaluates individuals who wish to enter, continue and/or advance in the profession through the certification process. HRCI is governed by the Board of Directors (Board). HR Certification Institute Certification Council (Council) was established in 2016 as a Special Purpose Council within HR Certification Institute. The Council is established in HR Certification Institute Bylaws, which authorize the Council to have autonomy in decision making regarding the development and administration of HR Certification Institute's certification programs.
2. Those certified by HRCI (referred to as "certificants") have successfully completed the required certification process, which includes meeting certain eligibility requirements and passing a certification examination. HRCI certificants subscribe to a *Code of Ethical and Professional Responsibility*. By applying for certification or recertification, HR professionals agree that they have read and will comply with the *Code of Ethical and Personal Responsibility*, the Complaints and Disciplinary Policy and other certification program policies. These disciplinary procedures are not formal legal proceedings, thus many formal rules and practices of a court proceeding are not observed. The rules are intended to afford due process and fairness.
3. Successful candidates are granted certification by HRCI and may hold themselves to the public as such. In order to maintain and enhance the credibility of HRCI certification programs, HRCI has adopted these Administrative Procedures (the "Procedures") to allow consumers and others to bring complaints concerning a certificant's conduct to HRCI. If a violation constitutes grounds for sanctions as set forth below, the Certification Council established by the HRCI Board may reprimand, or revoke the individual's certification.

#### **The grounds for sanctions under these Procedures are as follows:**

- a. Violation of established HRCI certification program policies, rules, and requirements;
- b. Fraud or misrepresentation in the application for, or maintenance of, certification;
- c. An irregular event in connection with a HR Certification examination, including (but not limited to) copying examination materials, causing a disruption in the testing area, and failure to abide by reasonable test administration rules;
- d. Taking the exam for any purpose other than that of becoming credentialed in the area referenced in the title of the exam;
- e. Disclosing, publishing, reproducing, summarizing, paraphrasing, or transmitting any portion of the exam in any form or by any means, verbal, written, electronic or mechanical, without the prior express written permission of HRCI;
- f. Unauthorized possession or misuse of HRCI credentials, examinations, and other intellectual property, including but not limited to: aPHR, PHR, SPHR, GPHR, PHRca, PHRi and SPHRi;
- g. Misrepresentation of credential status;
- h. Failure to provide requested information in a timely manner;
- i. Conviction of a felony under federal or state law in a matter related to the practice of, or qualifications for, professional activity.

4. HRCI will ensure that information concerning the complaint process, as developed by the Certification Council, will be available to applicants, certificants, consumers and the public at appropriate locations. These Procedures apply to all complaints or inquiries received about an HRCI certificant.
5. It should be emphasized that actions taken under these Procedures do not constitute enforcement of the law, although referral to appropriate federal, state, or local government agencies may be made by HRCI regarding the conduct of the certificant in appropriate situations.

Individuals who submit complaints are not entitled to any relief or damages by virtue of these Procedures, although they will receive notice of the actions taken if the submitter agrees in advance and in writing to maintain any such information in confidence.

## **B. HRCI Certification Council**

1. The Certification Council is responsible for development and administration of the HRCI certification programs and for the implementation of these Procedures.
2. The Certification Council Chair is specifically responsible for ensuring that these Procedures are implemented and followed.
3. All Certification Council members, staff, and other individuals engaged in investigations or decisions with respect to any complaint under these Procedures may be indemnified and defended by HRCI from and against liability arising from HRCI-related activities to the extent provided by law.

## **C. Complaints**

1. Complaints must be submitted in writing by an individual or entity. Inquiries or submissions other than complaints may be reviewed and handled by HRCI at its discretion.
2. The complaint must be submitted on HRCI's Complaint and Disciplinary Form and the specific grounds for sanctions as referenced above in Section A.3 of these Procedures that is relevant to the complaint must be cited.
3. HRCI will not review or further pursue any complaints which:
  - a. Contain unreliable or insufficient information;
  - b. Are patently frivolous or inconsequential;
  - c. Allege general unethical or unprofessional behavior by a certificant;
  - d. Do not expressly reference specific grounds for sanctions;
  - e. In HRCI's sole reasonable discretion may choose not to review or further pursue a complaint based on the date of the violation; or
  - f. In HRCI's sole reasonable discretion, are more appropriately addressed by an administrative, regulatory, or law-making entity.

Upon receipt and preliminary review of a submission involving an HRCI certification program or the grounds for sanction, the Director, Business Operations ("Director") may conclude, in his/her sole discretion that the submission does not constitute an actionable complaint as described above. If not an actionable complaint, the submission is disposed of by notice from the Director to its submitter, if the submitter is identified. All such preliminary dispositions by the Director are reported to the Certification Council in writing in an annual summary. If the Director determines that the submission is a valid and actionable complaint, the Director will contact the accused for any additional information that may be necessary. The individual will have 30 days to submit any and all applicable documentation. This documentation will be presented to the Certification Council for investigation. If no applicable documentation is submitted within the 30 days, the

Director may proceed with making a determination. The Director may consult with the CEO and/or legal counsel as needed to make either determination.

4. If a submission is deemed by the Director to be a valid and actionable complaint, the Director shall see that written notice is provided to the certificant whose conduct has been called into question. The certificant whose conduct is at issue shall also be given the opportunity to respond to the complaint. The Director also shall ensure that the individual submitting the complaint receives notice that the complaint is being reviewed by HRCI. The Director will determine if the submission is worthy of an investigation, and if necessary a phone interview will be scheduled. Upon completion of the interview, the Director will decide if the submission will move forward for investigation by the Certification Council.
5. The Director shall make the decisions described above and provide the notices required hereunder within sixty (60) days of receipt of the complaint.

#### **D. Review of Complaint**

1. For each submission involving an alleged violation of the *grounds for sanctions* that the Director concludes is a valid and actionable complaint, the Certification Council 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.
2. Both the individual submitting the complaint and the certificant who is the subject of the investigation (or his or her employer) may be contacted for additional information with respect to the complaint. The Certification Council may at its discretion contact such other individuals who may have knowledge of the facts and circumstances surrounding the complaint.
3. All investigations and deliberations of the Certification Council are conducted in confidence, with all written communications sealed and marked "Personal and Confidential," and they are conducted objectively, without any indication of prejudgment. An investigation may be directed toward any aspect of a complaint which is relevant or potentially relevant. Formal hearings are not held and the parties are not expected to be represented by counsel, although the Certification Council may consult HRCI's counsel.
4. The Certification Council shall undertake all reasonable efforts to ensure that the review process set forth in this section shall be completed within ninety (90) days of the determination to investigate.

The Certification Council initially determines whether it is appropriate to review the complaint under these Procedures or whether the matter should be referred to another regulatory, administrative, or other entity engaged in the administration of law.

The Certification Council may be assisted in the conduct of its investigation by additional HRCI staff and/or legal counsel. The Certification Council Chair exercises general supervision over all investigations.

#### **E. Determination of Violation**

Upon completion of an investigation, the Certification Council may make a determination that there has been a demonstrable and serious violation based on the grounds for sanction. The determination of the disciplinary decision is prepared under the CEO's supervision and is presented to the HRCI Board along with the record of the Certification Council's investigation.

1. If the Certification Council determines that a violation has not occurred, the complaint is dismissed with notice to the certificant and the individual or entity who submitted the complaint. The complaint is included in an annual summary Certification Council report.

2. If the Certification Council determines that a violation has occurred, the council will decide on an appropriate sanction.
3. This determination and the imposition of a sanction are promulgated by written notice to the 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 Council.
4. In certain circumstances, the Certification Council may determine that the certificant who has committed an actionable sanction, should be offered an opportunity to submit a written assurance that the conduct in question has been terminated and will not recur. The decision of the Certification Council to make such a determination is within their discretionary power. If such an offer is extended, the 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 Council. If the Certification Council accepts the assurance, notice is given to the certificant and to the submitter of the complaint, if the submitter agrees in advance and in writing to maintain the information in confidence.

## **F. Sanctions**

1. Any of the following sanctions may be imposed by the Certification Council upon a certificant whom the Certification Council has determined to have violated the grounds for sanctions, although the disciplinary decision 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:
  - a. written reprimand to the certificant;
  - b. suspension of the certificant for a designated period; or
  - c. termination of the certificant's certification from HRCI.

The HRCI database and certificant's file will be promptly updated to reflect any certification suspension or termination.

2. Reprimand in the form of a written notice from the Certification Council normally is sent to a certificant who has received his or her first substantiated complaint. Suspension normally is imposed on a certificant who has received two substantiated complaints. Termination normally is imposed on a certificant who has received two substantiated complaints within a two year period, or three or more substantiated complaints. The Certification Council may at its discretion, however, impose any of the sanctions, if warranted, in specific cases.
3. Certificants who have been terminated shall have their certification revoked and may not be considered for HRCI certification in the future. If certification is revoked, any and all certificates or other materials requested by HRCI must be returned promptly to HRCI.

## **G. Appeal**

1. Within thirty (30) days from receipt of notice of a determination by the Certification Council that an individual committed an action resulting in grounds for sanctions, the affected certificant may submit to HRCI in writing a request for an appeal.

Upon receipt of a request for appeal, the Chair of the Certification Council will appoint a three (3) person Appeal Panel. Individuals appointed to serve on the Appeal Panel cannot be current members of the HRCI Board of Directors or Certification Council. Appeal Panel members will

sign a confidentiality and conflict of interest statement prior to beginning their service on the committee.

This Appeal Panel may review one or more appeals, upon request of the HRCI Certification Council Chair. No HRCI staff may serve on the Appeal Panel; further, no one with any personal involvement or conflict of interest may serve on the Appeal Panel.

2. The Appeal Panel may only review whether the determination by the Certification Council was inappropriate because of:
  - a. material errors of fact, or
  - b. failure of the Certification Council or HRCI to conform to published criteria, policies, or procedures.

Only facts and conditions up to and including the time of the Certification Council's determination as represented by facts known to HRCI are considered during an appeal. The appeal shall not include a hearing or any similar trial-type proceeding. Except as otherwise set forth herein, legal counsel is not expected to participate in the appeal process, unless requested by the appellant and approved by the HRCI Certification Council and the Appeal Panel. The Certification Council and Appeal Panel may consult HRCI legal counsel.

3. The Appeal Panel conducts and completes the appeal within ninety (90) days after receipt of the request for an appeal. Written appellate submissions and any reply submissions may be made by authorized representatives of the appellant and of the Appeal Panel. Submissions are made according to whatever schedule is reasonably established by the Appeal Panel.

The decision of the Appeal Panel either affirms or overrules the determination of the Certification Council, but does not address a sanction imposed by the Certification Council. The decision of the Appeal Panel, including a statement of the reasons for the decision, is reported to the HRCI Certification Council in writing. The Appeal Panel decision is binding upon the Certification Council, the certificant who is subject to the sanction, and all other persons.

## **H. Resignation**

If a certificant who is the subject of a complaint voluntarily surrenders his or her HRCI certification(s) at any time during the pendency of a complaint under these Procedures, the complaint will be dismissed without any further action by the Certification Council or an Appeal Board established after an appeal. If this occurs, the information will be retained in HRCI's permanent file for future reference. However, the Certification Council may authorize the Certification Chair 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. Similarly, in the event of such resignation, the person or entity who submitted the complaint are notified of the fact and date of resignation and that Certification Council has dismissed the complaint as a result.