

ETHICS COMPLAINT PROCEDURE FOR CERTIFIED RELOCATION AND TRANSITION SPECIALIST®

PREAMBLE

The program of certification for Relocation and Transition Specialists® exists to advance the quality of home transition services by assuring individual competence to perform services through a validated, standardized examination that tests the skill, knowledge, and ethics needed to serve consumers; to foster the development and growth of Relocation and Transition Specialists®; to promote high ethical standards and practices in the Relocation and Transition Specialist® industry; and to establish and maintain public confidence in the integrity and professionalism of Relocation and Transition Specialists®, thereby protecting the public. The Code of Conduct, Ethics and Professional Practices for Certified Relocation and Transition Specialist® (“Code of Conduct”) sets forth the ethical principles to which all Certified Relocation and Transition Specialists® have subscribed. Certified professionals who violate the Code of Conduct or commit other acts of professional misconduct defined herein are subject to prescribed disciplinary procedures and sanctions set forth in this document.

ARTICLE I

PURPOSE AND FUNCTION

1.01 Purpose. The disciplinary process set forth in this Ethics Complaint Procedure provides for an objective review of a Certified Relocation and Transition Specialists® compliance with the Code of Conduct, including a certified professional's eligibility to retain said certification. Any Certified Relocation and Transition Specialist® (CRTS)® engaging in acts found to be in violation of the Code of Conduct or otherwise to constitute professional misconduct hereunder is subject to sanction under Article V-VII hereof.

1.02 Function. The function of this Ethics Complaint Procedure is as much evaluative as it is punitive. When a complaint is filed under Article V hereof alleging that a Certified Relocation and Transition Specialist® has been involved in unethical conduct or other professional misconduct, the disciplinary process set forth in this Procedure will be invoked.

ARTICLE II

AUTHORITY

2.01 Council Authority: The National Certification Board for Alzheimer Care (“NCBAC”) has the authority to impose sanctions set forth in Article VII hereof and to act upon applications for reinstatement of certification status.

2.02 Professional Practices Committee. The Professional Practices Committee of NCBAC will be vested with the authority to investigate alleged violations of the Code of Conduct or other professional misconduct and to recommend action to NCBAC.

2.03 Conflict of Interest. If a member of the Professional Practices Committee shall, with respect to any matter before the Committee, be considered by the Committee to have a conflict of interest with respect to such matter, such member shall be excluded from participation therein by the Committee. As deemed appropriate, the Chair has the authority to appoint temporary Committee members to substitute for disqualified Committee members. In the event that the Chair of the Committee has a conflict of interest with respect to a matter before the Committee, the remaining members of the Committee shall elect from among themselves a person to serve in the capacity of Chair with respect to such matter.

ARTICLE III

GROUND FOR DISCIPLINE

3.01 Acts or Omissions. Professional misconduct by a Certified Relocation and Transition Specialist® as defined below shall constitute grounds for discipline, whether or not the act or omission occurred in the course of a client relationship:

- (a) Any act or omission which violates the Code of Conduct.
- (b) Any act or omission to obtain or to assist another in obtaining certification or recertification as a Certified Relocation and Transition Specialist® by fraud, misrepresentation or deception.
- (c) Any act or omission in responding to a request from the Professional Practices Committee that, in the opinion of the Committee, obstructs the Committee's performance of its duties.
- (d) Any conviction of a felony or crime of moral turpitude or the equivalent of either under the criminal law applicable to a Certified Relocation and Transition Specialist®

ARTICLE IV

OBLIGATIONS TO REPORT PROFESSIONAL MISCONDUCT

4.01 Reporting of Violations. A Certified Relocation and Transition Specialist® having knowledge of an act or omission by another Certified Relocation and Transition Specialist® which violates the Code of Conduct or otherwise constitutes professional misconduct as defined in Section 3.01 hereof, has the obligation to report the matter by filing a complaint under Article V hereof.

4.02 Cooperation with Investigation. It is the obligation of any Certified Relocation and Transition Specialist® to cooperate fully with the Professional Practices Committee in the investigation of alleged professional misconduct.

ARTICLE V

COMPLAINTS OF PROFESSIONAL MISCONDUCT

5.01 Complaint of Professional Misconduct. A complaint of professional misconduct by a Certified Relocation and Transition Specialist® must be signed and accompanied by substantiating documentary evidence, and submitted in writing to the Professional Practices Committee. A complaint may only be submitted once and may not be re-filed. The complaint must involve conduct which occurred within three (3) months of the date of the complaint. The complaint must include a detailed description of the nature of the alleged professional misconduct, as well as all pertinent facts and circumstances. The complainant shall receive email acknowledgement within 5 (five) business days after submitting a complaint. The email acknowledgement will serve as confirmation of receipt of the initial documentation and that a report of misconduct was received by the Professional Practices Committee. The proceedings as a whole shall be treated confidentially, except to the extent required to complete the investigation, and except as provided herein in the event that certain disciplinary sanctions are imposed by NCBAC.

5.02 Initial Determination. Based upon the complaint and accompanying documents, the Professional Practices Committee will determine whether sufficient evidence exists to proceed with an investigation. If the Committee determines that insufficient evidence exists, the complaint shall be dismissed; the complainant shall be notified in writing of the dismissal. If the Committee determines that sufficient evidence does exist to initiate an investigation, it shall proceed as described below.

5.03 Formal Investigation. The Chair of the Professional Practices Committee shall inform the respondent in writing, by email to the last known address of the respondent, that a complaint of professional misconduct has been filed and that the Committee has determined to initiate a formal investigation of the matter. The Committee shall provide a copy of the complaint and all accompanying supporting documentation and evidence to the respondent. The identity of the complainant shall be revealed. The respondent shall have thirty (30) days from the date of receipt of the notification email to prepare and submit a response in writing, along with whatever affidavits and documentary evidence the respondent feels support the response. The Committee shall have the right to seek additional information regarding the matter from the complainant, the respondent and/or relevant third parties. In conducting its investigation and evaluating all evidence, the Professional Practices Committee shall presume at the outset of its investigation that the respondent acted ethically and shall determine that an act of professional misconduct has occurred only if it finds clear and convincing evidence of such misconduct.

5.04 Determination and Recommendation. The Professional Practices Committee shall evaluate all documentation pertaining to the matter and render one of three (3) decisions within sixty (60) days of receiving all relevant evidence:

- a. There is insufficient evidence to make a determination.
- b. The complaint is substantiated.
- c. The complaint is not substantiated.

In the case of a decision under a. or c. above, the complaint shall be dismissed, and both the complainant and the respondent shall be so notified by the Committee Chair in writing.

If the Professional Practices Committee finds clear and convincing evidence of professional misconduct, it shall issue a written decision setting forth the basis for its decision and recommending to NCBAC an appropriate sanction from among those set forth in Article VII hereof.

5.05 Notification of Determination. Following receipt and consideration of the decision and recommendation of the Professional Practices Committee, NCBAC shall, within thirty (30) days of receipt of the Committee recommendation, vote upon implementation of the sanction recommended by the Committee, or any lesser sanction proposed by NCBAC. A sanction will be implemented only upon its approval by a two-thirds (2/3) vote of NCBAC. Should NCBAC vote not to implement any sanction, the complaint shall be dismissed, and the complainant and respondent shall be notified of same in writing. Should NCBAC vote to implement a sanction, the respondent, but not the complainant, shall be notified of same in writing by email. The notice shall advise the respondent of the right to submit new evidence under Article VI and of the fact that, in the absence of any such submission, the sanction will be effective thirty (30) days after the respondent's receipt of the notice. Unless NCBAC reverses its decision under Article VI, the complaint and the sanction shall be recorded in the respondent's official certification file.

ARTICLE VI

APPEALS PROCESS

6.01 Limited Right to Appeal. Any dismissal of a professional misconduct complaint, whether by the Professional Practices Committee or by NCBAC, shall not be subject to appeal. A decision of NCBAC to implement sanctions against a respondent is subject to appeal by the respondent, but the sole ground for such appeal shall be that the respondent has new, relevant information which was not considered by the Professional Practices Committee. Any respondent having new information to submit to NCBAC shall, within thirty (30) days of receipt of the written notice required by Section 5.05, file with NCBAC a written notice of appeal stating the reason for the appeal and including the new information not considered by the Professional Practices Committee. Following review of the entire investigative file, the decision and recommendation of the Professional Practices Committee and the new information submitted by the respondent, NCBAC shall, within thirty (30) days of receipt of such new information, render a final decision which may not be further appealed. If the complaint is dismissed, the

complainant and the respondent shall be notified of same in writing. If the appeal is denied, the respondent, but not the complainant, shall be notified of same in writing by email, and the sanctions imposed by NCBAC shall be implemented immediately.

ARTICLE VII

SANCTIONS

7.01 No Action Warranted. No Action Warranted may be determined if there is insufficient evidence provided by the claimant to invoke any sanctions against the respondent.

7.02. Letter of Warning. A Letter of Warning may be invoked with respect to professional misconduct not deemed sufficiently severe to warrant greater sanction. An unpublished written reproach from NCBAC shall be emailed to the respondent. A copy of this email shall become a permanent part of the respondent's certification file. In the event of such a Letter of Warning, the Certified Relocation and Transition Specialist® would retain certification status and all of its rights and privileges.

7.03 Revocation. Certification status may be revoked in the event of egregious acts of professional misconduct, including without limitation knowingly falsifying information submitted to obtain and/or retain certification or cheating on the certification examination. Applicants for professional certification who, before certification status is awarded, are determined to have knowingly falsified application information or to have cheated on the certification examination shall be denied certification and may be forever barred from applying for certification. A Relocation and Transition Specialist® who has had her/his certification status revoked is not eligible for reinstatement of certification status. A Relocation and Transition Specialist® who has had her/his certification status revoked shall be eligible to re-apply for certification only if so determined by NCBAC at the time of revocation and only following such period of time as NCBAC may specify in its revocation determination. A Relocation and Transition Specialist® whose certification status has been revoked shall, immediately upon such revocation, no longer be entitled to any of the rights and privileges of certification status.

ARTICLE VIII

PUBLIC NOTIFICATION OF REVOCATION

8.01 Public Notification. Unless otherwise determined by NCBAC in a particular matter, it shall be standard procedure to publish, in a manner deemed appropriate by NCBAC, the fact of revocation of certification status, including the identity of the Relocation and Transition Specialist® involved. No publication will be made of the imposition of any other sanction.

ARTICLE IX

USE OF CERTIFICATION CREDENTIALS AFTER REVOCATION

9.01 Ownership of Certification Credentials. All certification credentials, including without limitation logos, service marks and trademarks, certificates, wallet cards, placards, decals, cuts, insignias, emblems and/or any other material used by the certificate holder to indicate or otherwise note status as a Certified Relocation and Transition Specialist® are and shall remain the sole property of NCBAC.

9.02 Prohibitions Against Use. In the event that a Relocation and Transition Specialists® certification status has been revoked, he/she is no longer permitted to hold herself or himself out as a Certified Relocation and Transition Specialist® or CRTS and must refrain from using all certification credentials, including those described in Section 9.01 above. Failure to comply with this prohibition will jeopardize the possibility of reinstatement of or reapplication for certification status, should NCBAC have determined that reapplication would be permitted.

9.03 Refunding of Fees. Should a Relocation and Transition Specialist's certification status be revoked, there shall be no refund of any fees already paid in connection with such certification.

ARTICLE X

AMENDMENTS TO THE ETHICS COMPLAINT PROCEDURE

10.01 Amendments. This Ethics Complaint Procedure may be amended by a two-thirds (2/3) vote of NCBAC, provided that written notice of any proposed amendment shall be given to NCBAC together with the notice of the meeting at which the amendment will be considered.

10.02 Effective Date. An amendment so made shall be effective immediately upon adoption, unless a later effective date is specifically adopted at the time the amendment is enacted. Amendments shall be published to the CRTS Registry.