

DISCIPLINARY PROCEDURES FOR THE SOCIETY OF CABLE TELECOMMUNICATIONS ENGINEERS

I. Introduction

(a) The Society of Cable Telecommunications Engineers (“SCTE”) was established as a certification body for the evaluation of individuals who wish to advance in the profession through the certification process.

(b) Those certified (“certificants”) have successfully completed the required certification process, which includes passing a certification exam. SCTE certificants agree to subscribe to a Code of Ethical Conduct approved by the SCTE Board of Directors.

(c) SCTE Certificants are granted certification by the SCTE and may hold themselves out to the public as such. In order to maintain and enhance the credibility of SCTE certifications, SCTE has adopted these Administrative Procedures to allow SCTE members and others to bring complaints to the SCTE concerning the conduct of certification candidates, certificants and proctors. In the event of a violation of the Code of Ethics or of other substantive requirements of the certification process by an SCTE certification candidate, certificant or Proctor, the SCTE may take appropriate disciplinary action.

Actionable submissions may include, but are not limited to:

1. Violation of the SCTE Certification rules
2. Violation of the Proctor Code of Ethics
3. Negligence or willful acts allowing for the compromise of SCTE Certification exam content or unfair advantage of a certification candidate.
4. Fraud or misrepresentation in the application or maintenance of an SCTE professional recognition or credential.

(d) The SCTE will ensure that information concerning the process used to submit a complaint as approved by the SCTE Professional Development Committee will be available to SCTE members and the public at appropriate locations. These Administrative Procedures apply to all complaints received about a SCTE certification candidate, certificant or Proctor.

II. Complaints

(a) Complaints may be transmitted to the Chair of SCTE Certification Subcommittee (Chair) in any manner by any individual or entity, but must be in writing.

(b) Upon receipt of a complaint involving the SCTE certification program, the Code of Ethics, or of other substantive requirements of the certification process, the Chair must present the complaint to the SCTE Certification Subcommittee (Subcommittee) within 90 days.

III. Review of Complaint

(a) For each submission involving an alleged violation of the Code of Ethics or of other substantive requirements of the certification process the Subcommittee must then determine if the submission:

(1) Contains reliable or sufficient evidence to support further action, or (2) Is patently frivolous, incomplete or inconsequential. In such cases, the Subcommittee may determine that the submission does not constitute a valid and actionable complaint that would justify further investigation and a determination of whether there has been a violation of the Code of Conduct or other substantive requirements of the certification process. If so, the submission is dismissed and a copy of the submission is kept on file at SCTE Headquarters. If the committee determines a submission is incomplete, it may request, in writing, additional information from the submitting party or a third-party that possesses relevant information.

(b) If the Subcommittee concludes the complaint is valid and actionable, a member of the Subcommittee will assign a file number to the complaint, contact the person named as the subject of the complaint, conduct a preliminary investigation into its specific facts or circumstances to whatever extent is reasonable and necessary in order to refute, clarify, expand, or corroborate the information provided by the submitter. In all such cases, the person named as the subject of the complaint shall be provided appropriate “due process” protections prior to any final determination, and implementation of any penalty. Such due process shall include:

- i. Notice of the charges/complaint/grievance filed;
- ii. Notice of the date, time and place of a formal “hearing” on the issue (which may be conducted via telephone);
- iii. The right to review and refute evidence as well cross-examine witnesses;
- iv. The right to be represented by counsel; and
- v. The hearing shall be before an unbiased tribunal.
- vi. The costs associated with any “due process” review may be assessed against the involved party.

(c) Both the individual submitting the complaint and the certification candidate, certificant or proctor who is the subject of the investigation shall be contacted for additional information with respect to the complaint. The time for providing such additional information shall be established by the Subcommittee. The Subcommittee may at its discretion direct the Chair or another member of the Subcommittee to contact such other individuals who may have knowledge of the facts and circumstances surrounding the complaint.

(d) All investigations and deliberations of the Subcommittee 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 that is relevant or potentially relevant. The Subcommittee members shall be selected according to SCTE policies and rules. Any member of the Subcommittee, Professional Development Committee (Committee) or the SCTE Board of

Directors (Board) named in a complaint or having any direct or indirect interest in a complaint shall remove her/himself from discussions, deliberations and votes related to that matter. The parties are not expected to be represented by counsel, although the Subcommittee, the Committee and Board may consult SCTE counsel.

(e) In addition, all parties contacted as witnesses, or for any information, shall be informed of the confidentiality of the matter and discussion(s) they are involved in with the Subcommittee regarding the matter. They will also be informed that any breach of such confidentiality by them could constitute a violation of the SCTE ethics for which they could be considered for disciplinary action under this policy.

(f) If during the investigations, investigators attempt multiple times to contact, by email and by telephone, individuals who may have knowledge of the exams or testing sessions associated with the investigation, but these individuals either refuse to cooperate or do not communicate back to investigators, the Subcommittee may, at its discretion, expand its investigation of the matter to include the un-cooperative individuals, who would then also be entitled to the due process procedures outlined previously, or, in the most extreme situations, recommend that the Committee order retesting of individuals associated with the circumstances associated with the investigation.

(g) If an individual refuses to retest, and they have otherwise been found to be in violation of the SCTE ethics (as concluded by the due process review or as a result of their failure to cooperate) or committed a violation of SCTE rules/policies, this individual's certification will be revoked for a period of 12 months at which time the candidate will be given the opportunity to retest.

(h) Certification status of individuals who retest will be contingent upon the results of the individuals retest exam.

IV. Determination of Violation

(a) Upon completion of an investigation, if the Subcommittee finds that the accusation has no merit, the matter is disposed of.

(b) If the Subcommittee finds that the complaint has merit, an immediate first "appeal" of the Subcommittee's deliberations is filed, with a secondary review being conducted by the Committee. Specifically, when the Subcommittee recommends the Committee should make a determination that there has been a violation of the Code of Ethics or of other substantive requirements of the certification process, the Subcommittee shall also recommend the imposition of an appropriate sanction. Any proposed sanction is prepared under the supervision of a designated member of the Subcommittee and is presented by the Chair to the Committee along with the record of the Subcommittee's investigation.

(c) Upon review of the Subcommittee's investigation, if the Committee finds that the accusation contains no merit, the matter is disposed of.

(d) If the Committee finds that the complaint has merit, the Committee reviews the recommendation of the Subcommittee based upon the record of the investigation. The Committee may accept, reject, or modify the Subcommittee's recommendation, either with respect to the determination of a violation or the recommended sanction to be imposed. If the Committee makes a determination that a violation has occurred, this determination and the imposition of a sanction are promulgated by written notice to the candidate, certificant or proctor.

V. Sanctions

(a) Any of the following sanctions may be imposed by the Committee upon a certification candidate, certificant or proctor whom the Committee has determined to have violated the Code of Conduct or other substantive requirements of the certification process or acted in any manner that constitutes grounds for sanctions according to these Procedures, although the sanction 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:

(1) Written reprimand to the candidate, certificant or proctor; or

(2) Termination of the candidate's eligibility to participate in SCTE Certification exams or in the case of an SCTE certificant, termination of the certificant's certification or in the case of a proctor, termination of the proctor's eligibility to proctor SCTE certification exams. For each of these sanctions, a summary of the determination and the sanction with the candidate's, certificant or proctor's name are to be provided to the subject of the complaint and a copy held on file at SCTE Headquarters.

(b) Reprimand in the form of a written notice from the Committee Chair normally is sent to a candidate, certificant or proctor who has received his or her first substantiated complaint. Termination normally is imposed on a certificant who has received two substantiated complaints within a one- year period, or three or more substantiated complaints. The Committee may at its discretion, however, impose any of the sanctions, if warranted, in specific cases.

(c) Certification candidates whose eligibility to participate in an SCTE Certification exam has been terminated or in the case of a Certificant whose certification has been terminated may not be considered for SCTE certification for a period of up to 12 months. Proctors whose eligibility to proctor SCTE certification exams has been terminated may not be considered for eligibility to proctor for a period of up to 12 months. If certification or the eligibility to proctor is revoked, any and all certificates or other SCTE materials requested by the Committee must be returned promptly to SCTE Headquarters.

(d) In certain circumstances, the Committee may consider a recommendation from the Subcommittee that the candidate, certificant or proctor who has violated the Code of Ethical Conduct or failed to adhere to the rules of certification exam administration 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 Subcommittee to make such a recommendation and of the Committee to accept it is within their respective discretionary powers. If such an offer is extended, the candidate, certificant or proctor 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 Committee.

VI. Appeal

(a) A candidate, certificant or proctor who is the subject of a SCTE disciplinary action may request an appeal by the SCTE Board of Directors. The request may be transmitted in any manner, but it must be in writing.

(b) Requests for appeal may be reviewed and handled by the SCTE Board of Directors at its discretion.

VIII. Resignation

(a) If a certification candidate who is the subject of a complaint voluntarily surrenders his or her eligibility to participate in an SCTE certification exam, or in the case of a certificant voluntarily surrenders his or her SCTE certification or in the case of a proctor voluntarily surrenders his or her eligibility to proctor at any time during the pendency of a complaint under these Procedures, the complaint is dismissed without any further action by the Subcommittee, the Committee or the Board, the entire record is sealed and the individual may not reapply for certification by the SCTE for a minimum period of 12 months. The actual length of this period will be at the sole discretion of the Subcommittee.

Repeat offenders may be subject to increased severity of sanctions as deemed appropriate by the Subcommittee.