



CERTIFICATE DENIAL AND REVOCATION POLICY AND PROCEDURES

BASIS/REASON FOR POLICY: NACA provides training and awards completion certificates to further its charitable purposes. This Policy is intended to maintain the integrity and reputation of the training programs and certificate awardees, to preserve the educational accomplishments of animal care and control professionals, and to protect animal care professionals, organizations and communities relying on adherence to NACA's high standards.

POLICY. NACA may deny the certification of any individual seeking certification or may revoke or suspend previously awarded certification of any individual who during or subsequent to completion of coursework required, fails (includes past actions not previously disclosed to NACA) to meet and/or maintain any of NACA's certification requirements including:

Failed to complete the required coursework within the terms of the course or to complete all of the annual (if any) continuing education required by NACA to maintain certification.

Submitted false or misleading documents or information requested as part of NACA's certification process.

Used NACA's certification in a misleading manner, claimed endorsement by NACA, used NACA's logo and branding without authorization, and/or used NACA's training materials protected by copyright without written permission or under statutory exemptions.

Convicted previously or in the future of a felony crime or a misdemeanor crime of domestic violence or animal cruelty or neglect.

Engaged in conduct which, if charged as a crime, would constitute a felony crime under the laws of individual's state of residence or a misdemeanor crime of domestic violence as defined in the individual's state of residence at the time the conduct occurred; that NACA determines reflects on the honesty, trustworthiness, integrity, or competence of the individual.

PROCEDURES. This summary is intended to provide good and adequate notice of the primary procedures but not necessarily details of all steps to be authorized during investigation and/or hearing of the information. Each situation requires a facts and circumstances analysis to determine appropriate investigation or application and enforcement of NACA's Certification Denial and Revocation Policy.

REQUIRED NOTICE TO ALL TRAINING PROGRAM PARTICIPANTS INCLUDING TRAINERS, CERTIFICATE CANDIDATES AND AWARDEES.

NACA must provide the following or a similar notice to all trainers, program registrants, certificate candidates and awardees. All participants must sign an acknowledgment stating he/she/they are aware of NACA's requirements and have read and accepted NACA's Denial and Revocation Policy.

NOTICE TO PARTICIPANTS

*NACA provides training under an express, written agreement with participants.
There are three requirements of all NACA's certificate awardees:*

submission of accurate required documents.

successful completion of training programs and any required



continuing education; and
ongoing adherence to NACA's Code of Conduct.

Evidence of dishonesty and/or fraud in the submission of documents, misuse, or misrepresentation of NACA's certification; failing to meet training requirements, and/or failure to adhere to NACA's Code of Conduct will be treated as substantial and material violations of NACA's certification requirements.

Proof of violations may be demonstrated by factual evidence or by a combination of factual and circumstantial evidence. Proof of one or more violations allow NACA's Board of Directors the right to suspend or revoke the certification of any participant, subject to investigation, and for good cause after a fair hearing procedure is completed or waived in writing by the subject individual.

All information received by NACA from any source (subject to a good faith basis) that a person certified by or seeking certification by NACA, may have submitted false documents to NACA; failed to meet certification requirements; has been convicted of any felony or convicted of a misdemeanor crime of domestic violence or animal cruelty or neglect; and/or failed to comply with NACA's Code of Conduct will be screened.

PROCEDURES: RECEIPT OF COMPLAINT or INFORMATION OF VIOLATIONS. Every report, complaint or communication about a violation of NACA's certification requirements must be documented and screened. Any information lacking a good faith basis may be rejected or excluded from screening. No action based on information received can be taken until the initial screening has been conducted.

PROCEDURES: CONFIRMATION OF RECEIPT OF REPORT WITHIN FIVE (5) BUSINESS DAYS. Upon receipt of any report, formal or informal, of actions or omissions attributed to a programming trainee, certification candidate or certified individual, an acknowledgment provided to the reporting individual, and a copy of the report received must be provided to NACA's president.

PROCEDURES: INITIAL SCREENING NOTICE TO INDIVIDUAL AND AVAILABLE ACTIONS.

FIRST STEP: INITIAL SCREENING WITHIN TEN (10) DAYS. NACA's president is charged with the screening responsibility but can designate another officer, the Executive Director or professional advisor to gather, verify and screen any information received and classify each instance or complaint into one or more of the following within ten (10) days of receipt of information by NACA. The screener will classify each instance or complaint into one or more of the following classifications:

FAILURE TO COMPLETE REQUIRED COURSEWORK,

**FALSE OR MISLEADING DOCUMENTS SUBMITTED AS PART OF NACA'S
REGISTRATION AND/OR CERTIFICATION,**

**IMPROPER USE OF NACA'S LOGO OR OTHER
MISREPRESENTATION OR UNAUTHORIZED USE OF NACA'S
TRAINING MATERIALS,**



GUILTY PLEA TO CHARGES OR CONVICTION,

REPORTED CONDUCT THAT VIOLATES NACA'S CODE OF CONDUCT, OR

**REPORTED CONDUCT NOT SUBJECT TO NACA'S CERTIFICATE DENIAL AND
REVOCATION POLICY.**

SECOND STEP: NOTICE TO INDIVIDUAL SUBJECT OF REPORT. At the conclusion of the initial screening process but no less than twenty (20) business days after receipt of the initial report, except in the case of a report about conduct not subject to NACA's Certification and Revocation Policy, the President or other delegated person, will notify the individual subject of the report and of the screening classification assigned. The individual subject will be provided a description of the next steps, and an opportunity to provide information to be included in the development of the facts and circumstances for the Board. In the event mandatory suspension is required, this initial notice should include that information.

THIRD STEP: MANDATORY SUSPENSION. Suspension of certification is mandatory at any time after the conclusion of the initial screenings, for any complaint based on allegations or any conviction of any felony or misdemeanor crime of domestic violence or animal cruelty or neglect; and/or a failure to comply with NACA's Code of Conduct in a manner involving violence, alleged, admitted, or convicted, against any property or person including children. Mandatory suspension of certification applies throughout the development of facts through the hearing process whenever additional, credible information involving the individual under investigation, of additional allegations or any conviction of any felony or misdemeanor crime of domestic violence or animal cruelty or neglect; and/or a failure to comply with NACA's Code of Conduct in a manner involving violence, alleged, admitted or convicted, against any property or person including children. Notice of mandatory suspension must be provided to the subject individual within three (3) business days of its effective date.

FOURTH STEP: DEVELOPMENT OF STATEMENT OF FACTS AND CIRCUMSTANTIAL EVIDENCE WITHIN THIRTY (30) DAYS. Within thirty (30) days of NACA's notice of information/complaint, the designated screener will prepare a written report including a statement of facts and circumstantial evidence; and provide all information with the written report to NACA's president and a recommendation for one or more of the following screening outcomes.

- 1. NOT SUBJECT TO NACA'S CERTIFICATE DENIAL AND REVOCATION POLICY.** If a report of conduct does not fall within the scope of the Policy, the Screener will provide a written report explaining the basis of the decision to the president for his/her/their agreement. If approved by NACA's president or designated officer, the subject individual will be notified as soon as possible, and the file closed.
- 2. LACK OF FACTUAL BASIS.** If NACA's screener, in his/her/their sole judgment, that there is no factual basis for further action and the Screener has provided a written report containing a statement of verified facts to the president, the Board will cancel any mandatory suspension status, notify the subject individual, and close the file with no further action.
- 3. LACK OF FACTUAL BASIS BUT CIRCUMSTANTIAL EVIDENCE INDICATES NEED FOR CORRECTIONAL MEASURES.** If the Screener(s) verifies only circumstantial evidence of the violation and the violation can be corrected by the subject individual, the Screener will inform the president of the Board in a written report containing a statement of facts. The president or designated Board member will contact the subject individual in writing within ten (10) days to advise about the information received and request correction of the violation. Failure of subject individual to



participate in correctional measures will result in recommendation for further investigation and preparation for a hearing. If the subject individual participates in correctional measures and if the Board instructs, the Screener may then close the file or calendar the file for review by the Board within 30 days before closing the file.

- 4. FAILURE TO COMPLETE REQUIRED COURSEWORK.** Failure allows automatic revocation when proven and reported in Screener's written Statement of Facts. Subject individual must be notified within three (3) days and provided an opportunity for an appeal under the procedures described below.
- 5. SUBMITTED FALSE OR MISLEADING DOCUMENTS AS PART OF NACA'S REGISTRATION AND/OR CERTIFICATION PROCESS.** Requires automatic revocation when proven and reported in Screener's written Statement of Facts. Subject individual must be notified and provided an opportunity for an appeal.
- 6. GUILTY PLEA TO CHARGES OR CONVICTION.** If NACA received information (must be confirmed by court or attorney involved in matter) indicating that certificate awardee has entered a guilty plea or been convicted of a felony or misdemeanor conviction of animal cruelty or neglect or any crime of the type referred to in NACA's Code of Conduct, NACA's certification will be revoked (regardless of whether all rights to appeal the conviction have not expired). The individual has a right to appeal these automatic disciplinary actions.;
- 7. IMPROPER USE OF LOGO OR OTHER MISREPRESENTATION.** In the screener's opinion, the subject individual is using NACA's certification in a misleading manner, has used or is using NACA's copyright protected training materials, has used or is using logos without authorization, or has suggested endorsement by NACA, the screener may recommend the Board request correction of the misleading use within 30 days. If misleading use is not corrected within 30 days, the Screener will refer the matter to the Board for investigation and consultation with legal counsel.
- 8. ENGAGED IN CONDUCT THAT VIOLATES NACA'S CODE OF CONDUCT.** Conduct in violation of the Code of Conduct that reflects on the honesty, trustworthiness, integrity or competence of the individual, including but not limited to conduct, which, if charged as a crime, would constitute a felony crime under the laws of individual's state of residence or a misdemeanor crime of domestic violence, animal cruelty or animal neglect as defined in the individual's state of residence at the time the conduct occurred; AND/OR
- 9. MATTER REQUIRES FURTHER INVESTIGATION AND/OR CONSULTATION WITH LEGAL COUNSEL IN PREPARATION FOR HEARING.** If the Screener determines, in his/her/their judgment, that a further investigation is warranted, the Screener shall refer the matter to the Board with a written report including a statement of facts and a recommendation for further investigation and/or consultation with legal counsel.
The Board must appoint an Investigator and advise the subject individual of the investigation and identity of the investigator within 30 days of the appointment. The subject individual should be given no less than 30 days to request a different investigator. The Board will only consider the request if made in writing that describes the basis for the request, including but not limited to the existence of a conflict of interest.



SIXTH STEP: FORMAL RECOMMENDATIONS BY THE BOARD OF DIRECTORS WITHIN THIRTY (30) DAYS.

Within 30 days of receiving the screener's report and recommendations, the Board must approve and document its response to the screener's report and recommendations. To protect the Subject Individual, the discussion and decision process should be conducted in an executive session of either a special or routine board meeting. Instructions for the investigation and hearing process must be made available to the Subject Individual (and authorized representative). Those instructions can be documented in board meeting minutes and be approved by the Board before the commencement of any investigation or hearing can be scheduled.

PROCEDURES: AUTHORIZATION OF INVESTIGATION.

1. APPOINTMENT OF COMMITTEE AND AUTHORIZATION TO CONDUCT INVESTIGATION. Within ten days of receipt of the Screener's recommendation for further investigation in preparation for a hearing, the President shall appoint a committee composed of board members to investigate all information including charges and complaints about the subject individual.

2. STRUCTURE OF THE COMMITTEE.

Composition. The Committee shall be made up of at least three (3) current members of the Board including the Chair. If the President does not designate a chairperson, the committee members may select one from their ranks. When practical, the Committee shall be comprised of a cross-section of current and past Board Members.

Qualifications. Each member of the Committee shall have demonstrated a working knowledge of the certification requirements, ethics/professional responsibility, related issues and activities relevant to the matter.

Conflict of Interest Disclosure Required. If any member of the Committee has a conflict of interest with the Subject Individual or the allegations of violations, that member shall advise the President and decline the appointment.

3. OPERATION AND RESPONSIBILITIES OF THE COMMITTEE.

Selection Of Chairperson. Unless designated by the President at the time of appointment to the Committee, the members may elect a chairperson for the purposes of reporting to the President and corresponding with the Subject Individual and/or his/her/their representative.

Notification Of Subject Individual Within Ten (10) Days. Within ten (10) days of appointment, the Committee will notify the Subject Individual of the investigation about the information received, the source of the information, the identity of appointed committee members and the opportunity to respond to the investigation, and consequences of a failure to respond to the investigation.

Subject Individual's Response Within Ten (10) Days. The Subject Individual shall be given no less than ten (10) business days after notification to reply to the allegations. Notification must specify the response due date and any other requirements.

Investigation To Be Completed Within Sixty (60) Days. The Committee shall meet on an as-needed basis to discuss, investigate, and/or present its report in the matter within sixty (60) days of appointment.



Procedural Matters and Voting. Should a recommendation of the Committee be required, a simple majority vote of the committee is required. All other procedural matters pertaining to Committee meetings will be governed by NACA's bylaws.

Accurate And Complete Records Requirement. The Committee shall maintain complete and accurate records of all meetings and communications relating to Committee business. All such minutes or communications will be kept confidential and included in the Committee's full report made to the Board.

Confidentiality Required. All correspondence, including email and texts, between the Committee, the President, the Subject Individual, and the Sources or Charging Party, shall be confidential. Any items mailed (regular or email) shall be marked Confidential and remain so until the Board determines a different status for correspondence.

Written Documentation of Report Required, Confidentiality Requirement and Distribution of Information. The Committee shall prepare a written summary of its report within sixty (60) days. The report shall include a description of the allegations verified or identified during the investigation; the issue(s) to be heard; a statement of factual and circumstantial evidence; advice of legal counsel; and any other relevant information. The written summary shall be marked as "confidential" and "privileged work product" before submission to NACA's President. Copies may be made but distributed only to the members of the Committee, its legal counsel, the president and the entire board except for any with a conflict of interest in the matter. Subject Individual is not entitled to a copy of the Committee's written summary due to confidential and privileged classification of the summary's contents, including advice of legal counsel.

Status Of Investigating Committee, Conclusions, Recommendations and Notices to Subject Individual. Unless the Board directs otherwise, the Investigating Committee will remain in existence pending final resolution of the matter is investigated.

PROCEDURES: SUBJECT INDIVIDUAL'S RIGHTS AND RESPONSIBILITIES DURING INVESTIGATION

Right Of Notification and Basis for Investigation. The Subject Individual will be provided notice of an investigation and the appointment of an investigating committee within ten (10) days of appointment. The Subject Individual must be informed about the information and allegations received, the source of the information, the identity of appointed committee members, the opportunity to respond to the investigation and all other deadlines and consequences of a failure to respond to the investigation.

Opportunity To Respond. The Subject Individual shall be given no less than ten (10) business days after notification to reply to the notification and the allegations. The notice must be in writing and include a response due date.

Right To Representation. The Subject Individual may be accompanied by an attorney or other professional representative including an employer during any interviews conducted by the Investigating Committee.

PROCEDURES: REVIEW AND OUTCOME OF INVESTIGATION.



Timely Review Required. Within ten (10) days of receipt of Investigating Committee's written report, NACA's President will call a special meeting of the Board to discuss the report and determine the required outcome. The Board must identify and approve a response to the Committee's report, including but not limited to a recommendation that the Subject Individual's certification be revoked.

Response of "No Action Required." In the event, the Board determines (by a majority vote of the members in attendance) no action is required, written notice must be provided to the Subject Individual within ten days of the determination. All records of the investigation will be marked as "Confidential" and preserved according to NACA's Document Retention and Destruction Policy

Response of "Action Required." In the event action is required (by a majority vote of the members in attendance), the matter will be set for hearing under the following procedures. The Subject Individual must be notified in writing specifically of the intent to schedule a hearing on the allegations verified or identified during the investigation. The notification must be accompanied by a description of the allegations made; the issues to be heard; the factual and circumstantial evidence discovered during investigation; and identity of all persons to appear at hearing. Any subsequent additions or other changes pertaining to the hearing must be given in writing to the Subject Individual and any other individuals affected by the changes.

PROCEDURES: HEARING

Decision To Proceed to Hearing. All certification hearings will be heard by the entire board except for those members with a conflict of interest. The President should identify the members to hear the matter. All required parties, including the Subject Individual and her/his/their representative should be notified and a hearing date set. Where possible, hearings should be set for the next regularly scheduled board meeting but no less than thirty (30) days should be allowed for preparation.

Role of Investigating Committee. The President will designate a member of the Investigating Committee to appear before the full Board and present the Committee's Report in the matter.

Presiding Authority. The President shall be the presiding authority.

Parties, Representatives, Hearing Process. NACA's President will designate one member of the Board to represent NACA for the purposes of opening and closing summaries.

1. Each party shall have twenty (20) minutes to present a summary of the case to the full board.
2. Each party may have witnesses on his/her behalf and introduce written documentation that they believe will lead to a fair and reasonable resolution of the matter.
3. Neither party may question the other party's witnesses but may submit written questions, objections with ~~explanations~~ basis for the objections, to the other party's witnesses.
4. The President will determine the time to be allowed for written questions and objections; and may extend these times at his/her/their discretion.
5. Upon completion of the hearing, the full Board shall deliberate and present a written decision to the Subject Individual and representatives. The Subject



Individual (nor any representative of the Subject Individual) may not attend the deliberations, nor vote in any action that follows.

6. Upon a finding by majority vote of all board members participating, that one or more violations of NACA's requirements of certificate awardees, had occurred, any of the following outcomes, or others as may be deemed appropriate, may be imposed on the Subject Individual, either singularly or in combination.

Available Outcomes.

Offer/Allow the Subject Individual an option to retain certificate.

Offer/Allow the Subject Individual to surrender certificate(s), inform the employer if the certificate was required by the employer, and remove all references to the certificate in resumes and description of credentials.

Revocation of Certificate(s) and Publication of Revocation Decision on NACA's website; and if appropriate

Referral to the appropriate law enforcement jurisdiction in the presence of or appearance of criminal activity not previously reported.

PROCEDURES: APPEALS

Right To Appeal Decision. A Subject Individual has the right to appeal any decision of the Hearing Committee that recommends that a disciplinary action be taken against the Subject Individual. A Subject who files an Appeal must file an Appeal Brief within thirty (30) days. The Brief must state, in a concise manner, the points relied upon the Subject Individual as the basis of the appeal. Failure to file an Appeal Brief constitutes an abandonment of the appeal.

Appointment of Appeal Board. The President will appoint an Appeal Board consisting of a Chair and not less than two (2) additional members. The Subject has the right to be informed of the identity of the members of the Appeal Board and may file one peremptory challenge and unlimited challenges for cause to the Appeal Board appointees. Failure to file a challenge within ten (10) days of receiving notice identifying members of the Appeal Board will be considered a waiver of the right to file a challenge. NACA's full board of directors minus the challenged individuals will rule on challenges prior to the beginning of the appeal hearing.

Hearing. The Subject Individual and one Representative, all members of the Board who participated in the Hearing and legal counsel for NACA and/or the Board have the right to be present at a Hearing on Appeal and to present oral arguments and written briefs. Upon completion of a Hearing on Appeal an Appeal Board will deliberate to consider the matters raised by the parties' briefs and oral arguments. A determination must be made within thirty (30) days after the conclusion of the appeal hearing and one of four possible courses of action be selected.

1. Affirm the determination of the Hearing.
2. Affirm the determination of the Hearing Committee but modify the penalty recommended by the Hearing Committee.
3. Reverse the Hearing Committee decision and close the case.
4. Remand the matter to the Hearing Committee for a new Hearing with any instructions that the Appeal.



DEFINITIONS

Board Member = means any member of NACA's Board of Directors or Officers.

By-Laws = means the Constitution and By-Laws of the National Animal Care & Control Association as amended.

Certificate = means an individual who has successfully completed National Animal Care & Control Association's National Certification Course.

Charge or Report of Violation = means a written submission by any individual or entity to the Board that sets forth information regarding any instance of one or more alleged violations of NACA's requirements for certification. This person does NOT have to be a member of NACA.

Complainant = means any individual or entity that submits information about a violation against a specified Subject Individual. Complainant does NOT have to be a member of NACA.

Code of Conduct = Standards set forth in NACA's Code of Conduct.

Competency = means the demonstration of diligence, education, skill, and mental, emotional, and physical fitness reasonably necessary for the performance of animal care and control duties.

Confidential Information = means information learned or received in the course of screening, investigating or consulting with advisors on matters relating to NACA, its staff and board members, or the subject individual.

Corporation = means the National Animal Control Association as defined in the governing documents including Articles, Constitution and By-Laws.

Disclosure = means the communication of information reasonably sufficient to permit the identification of the significance of the matter in question.

Hearing = means the confidential proceeding conducted by the Board concerning any instance of the alleged violation(s) by a Subject Individual.

Hearing Committee = All members of NACA's Board of Directors qualified and designated to serve.

Investigation = means the investigation of any statements of fact and recommendations for actions resulting from information charge(s) of violations filed against a Subject Individual.

Investigating Committee = means the Committee appointed by the President to identify all issues, investigate, and make recommendations to the Board with respect to decisions revoking or otherwise enforcing conditions of NACA's training certification.

NACA = means the National Animal Care & Control Association aka the "Corporation."

Statement of Facts = A written description of facts documented by evidence and relied on by decision-makers.

Subject Individual = The individual training program participant, certificate candidate, certificate



— **NATIONAL ANIMAL** —
CARE & CONTROL ASSOCIATION

The National Animal Care & Control Association
is committed to setting the standard of professionalism in animal
welfare and public safety through training, networking, and advocacy.

awardee against whom an allegation or report of information describing a violation of NACA's
certification requirements.