



## NAWT'S REVISED ETHICS POLICY

### *Mission Statement*

To unify the voice of the sanitary liquid waste management industry while increasing its professionalism and public image through education of industry members and the public, and the development and national representation of individual, state and regional associations, allowing our industry to exchange ideas and concerns for the betterment of our members, the environment, and the general public.

### *Goals and Purposes*

1. Provide the industry with an effective voice that represents the common interests and concerns of its members and highlights the fact that Association members provide diverse, essential services that are pivotal to maintaining a healthful environment, free of most of the sanitary problems common to most other countries of the world.
2. Generally, overcome and rectify the industry's image problem. For some time now, the needs and interests of the industry have not been recognized and addressed by most elected and appointed public officials at the national, state, and local levels.
3. At the request, in writing, of individual state-local associations, and upon approval of the Board, assist in mobilizing national support for positions taken by these groups on legislative or regulatory issues.
4. Disseminate information and serve as a communication and education conduit for the industry, from public officials, to serve as a network for state-local associations, as well as independents. A monthly Association Newsletter column will be developed and written under the direction of the President and published in the **PUMPER** national publication for this purpose.
5. Assist in developing, organizing, building membership and reinforcing the effectiveness of current or planned state-local associations.
6. Identify, organize, and utilize the purchasing power of the Association to the advantage of its members.
7. Develop, maintain, update, and continually strengthen an Association Insurance Program, one that is designed to address the specific needs of member firms who wish to participate. The Board and the Association's Insurance Representative will assure the integrity of the implemented Insurance Program's coverage and loss ratio, while providing voluntary access to a cost-effective insurance alternative for State-Local Associations and their members and Independent and Associate members. Participation in the Association Insurance Program will not be a requisite for membership in the Association.

**The NAWT Ethics Committee:** is responsible for the review, evaluation, assessment, and/or adjudication of all complaints brought forth by members against members of the Association. The Ethics Committee is responsible for ensuring that the Code of Ethics, Code of Practice(s), and member sanctions do not violate any federal or state laws, rules, and regulations, or any policies of NAWT. The committee will make recommendations on appropriate changes to the Code of Ethics.

### **NAWT's Ethics Complaint Process**

Prior to any review, evaluation, assessment and/or adjudication taking place, the complainant will need to adhere to NAWT's Ethics Complaint Process. The policy stipulates that the mandatory step before an official complaint can be filed is that the Ethics Committee Chairperson is appointed to receive and investigate ethics complaints made by complainants against other NAWT members. If the same complaint has been filed with a regulatory agency (by either the Complainant and/or the Accused) or filed in court (criminal or civil case) the complaint will be considered after the regulatory agency or judicial hearing has made their decision.

The NAWT Ethics Committee Chairperson works as a designated neutral party. The Chairperson can provide options to ethical concerns that are brought to their attention (complainant to member ethical complaints). The Chairperson will track problem areas and make recommendations for change to policies or procedures in support of orderly systems change.

Prior to the NAWT Ethics Committee reviewing the complaint, the Complainant will communicate with the Ethics Committee Chairperson. If the Chairperson's investigation concludes that the complaint is valid, they will provide the Complainant with a Professional Standards Ethics Complaint Form for completion. Once the form has been completed and submitted, the Ethics Committee will begin investigating the complaint.

### **Members Code of Ethics Policy**

NAWT encourages its members in the wastewater industry to uphold high standards and adopt the recommended *Members Code of Ethics* in carrying out their professional day-to-day business dealing.

### **Code of Ethics Policy for Members, Officers, Contract Personnel, and Board Members**

All members will be subject to the Code of Ethics adopted by this Association and outlined in the Bylaws (Article V, Section 1). All officers and Board members will ensure that their membership in the Association remains in good standing and that they adhere to the Bylaws at all times. All officers, contract personnel, and Board members will commit to conducting the business affairs of the Association in good faith and with honesty, integrity, due diligence, and reasonable competence.

#### **NAWT Bylaws - Article V - (Excerpt)**

##### **Section 1 (Discipline)**

All members shall be amenable to the Code of Ethics adopted by this Association.  
Code of Ethics

### NAWT Members Code of Ethics

1. We advocate the use of the best-approved methods of collection, transportation, beneficial reuse, and treatment of septage and sanitary waste in compliance with all Federal, State, and Local regulations.
2. We advocate the use of the best, cost effective, approved, technologies available to construct, rehabilitate, and maintain onsite wastewater treatment systems. that are environmentally sound.
3. We advocate education of our customers, our employees, and ourselves to protect the public's health and the environment.
4. We endeavor to conduct ourselves in a professional manner in to maintain a proper high level of trust with the public, our competitors, and the various regulatory bodies we encounter work with.
5. We endeavor to provide appropriate, credible assistance and input in the rule making process.
6. We endeavor to consider and evaluate the viewpoints of all parties towards the betterment and general well-being of the public and our profession.
7. Individually, and as an organization, we endeavor to do all we can to improve all aspects of our industry.

### Section 2 (Complaints)

Any complaints made to this Association by any member against another shall be in writing and shall be mailed to the chairman of the Ethics Committee, and a duplicate copy thereof shall be mailed or delivered to the member against whom the complaint is made. Upon receipt of the complaint by the Ethics Committee, the Committee, after deciding that the matter is properly within its jurisdiction, shall take the steps necessary to inquire into and adjudicate the complaint or mediate the issue in dispute. Upon completion of the aforementioned task, the Committee shall present its findings to the Board of Directors. Written communication can be sent to NAWT by post, e-mail or fax.

### Section 3 (Inquiry, Adjudication, and Mediation Processes)

The Ethics Committee, in consultation with counsel, if it is deemed necessary, shall develop and promulgate appropriate and fair processes for inquiring into, adjudicating and mediating a complaint(s) of a member by a member. The aforementioned processes shall be presented to the Board of Directors for approval. The resulting written procedures shall become a part of this Association's Bylaws by being appended to this Section of Article V, after being approved as an Amendment at the Annual Meeting immediately following such promulgation.

### Section 4 (Prevention of Misrepresentation)

It is unlawful and wrongful for any person, firm or corporation to represent or hold himself/itself out as a member of this Association or hold himself/itself out as representing this Association, if that person, firm or corporation is not such a member or is not an approved or appointed representative of this Association. The President shall maintain an up-dated list of persons, firms and corporations which have been approved or appointed to represent the Association. The President is authorized to take such action as shall be deemed appropriate and necessary to punish or stop such unauthorized representation.

## NAWT Policies & Procedures Manual – Excerpt

### *Conflict of Interest/Duality of Interest Policy*

NAWT officers, Board members, executive director, contracted service providers, and members will avoid all occasion where their personal or financial interests would conflict with the *Objects and Purposes* of the Association as set forth in the Bylaws. No Association officer or Board member will use information discussed during meetings or gained through their relationship with NAWT for personal gain or benefit; nor accept any service, discount, concession, fee for advice, service, or thing of value from any person or organization with an interest in any issue, matter, or transaction that is before the Board.

NAWT holds its members to high ethical standards to maintain a proper level of trust with the public, our competitors, and the various regulatory bodies we encounter. It is equally important for all Board members to uphold this same standard of ethics in their leadership and governance of the Association.

All officers, Board, committee members, and contracted personnel will be required to sign a *Conflict of Interest/Code of Ethics* statement and submit a *Disclosure Statement* as a prerequisite to serving. The completion of a *Disclosure Statement* may be required annually and will be updated as necessary during the year if significant changes occur.

### *Conflicts Defined*

A conflict of interest is a transaction or relationship that presents a controversy between an Officer, Board member, or contracted personnel's obligations to fulfill the vision and goals of NAWT and that individual's personal, business, or other interests. Not all conflicts of interest are necessarily prohibited or harmful to the Association and it shall be determined by the Board of Directors whether a particular situation as cited on a "Conflict of Interest Disclosure" will present a problem and how it shall be handled. Conflicts of interest may include but are not limited to the following instances:

### *Financial Gain*

- If an individual will receive, financial or material gain from a contract or relationship with a vendor that provides services or products to the Association.
- If an individual will receive financial or material gain from a policy or decision made by the Association.
- If an individual will receive, financial or material gain, or business advantage from information gained through their Association responsibilities.

The Association officers, contract personnel, and Board will dedicate themselves to leading by example in serving the needs of the Association and its members, and in representing the interests and ideals of NAWT in their attempt to make advancements in the wastewater industry at large.

All Association officers, contract personnel, and Board members will sign a *Conflict of Interest/Code of Ethics* document prior to service. Any member violating these principles will be liable to expulsion or suspension from the Board and/or the Association.

### **Standards and Code of Practices**

- Periodically review and update all standards to ensure that they are current and reflect new legal, technological and other industry developments.
- Provide sufficient opportunity for a member and public notice and comments period whenever standards are modified, and carefully consider these comments in the revision process.
- Document all complaints or concerns about the standards and revise the standards if and when appropriate.

## NAWT Ethics Complaint Process

### **I. NAWT's Ethics Preliminary Informal Review Session**

- Prior to any review, evaluation, assessment and/or adjudication takes place the complainant shall adhere to NAWT's Ethics Complaint Process. The policy stipulates that the mandatory step before an official complaint can be filed is that the Ethics Committee Chairperson is appointed to receive and investigate ethics complaints made by complainants against other NAWT members. If the same complaint has been filed with a regulatory agency (by the Complainant) or filed in court (criminal or civil case) the complaint will be considered after the regulatory agency or judicial hearing has made their decision.
- NAWT Ethics Committee Chairperson works as a designated neutral party. The Chairperson can provide options to ethical concerns that are brought to their attention (complainant to member ethical complaints).The Chairperson will track problem areas and make recommendations for change to policies or procedures in support of orderly systems change.
- Prior to the NAWT Ethics Committee reviewing the complaint the Complainant will have a conversation with the Ethics Committee Chairperson. If the Chairpersons investigation concludes that the complaint is valid they will provide the Complainant a Professional Standards Ethics Complaint Form for completion. Once the form has been completed and submitted, the Ethics Committee will begin investigating the compliant.

### **II. Submitting & Processing a Complaint**

- Code of Ethics violation complaints will be in writing (Professional Standards Ethics Complaint Form) and submitted within 90 days of the discovery of the alleged infraction of the NAWT Code. The Professional Standards Ethics Complaint Form (written complaint) will specify:
  - The identity of the person responsible for the violation (Accused), the date, the location, and the nature of the alleged violation.
  - All evidence supporting the allegation(s); this may include supporting statements by other persons or specific information as to persons who may be contacted to provide such confirmation.
  - Contact information for the Accused and all corroborating persons.
  - The Complainant's names, address, telephone number, and dated signature.
- Mail Send the submission to the NAWT Ethics Committee Chairperson (address is provided on the Professional Standards Ethics Complaint Form).
- A copy of the submitted complaint will be provided to the Ethics Committee.
- The Ethics Committee Chairperson shall send a reply to acknowledge receipt of the complaint to the Complainant.

### **III. Determining Jurisdiction**

- The Ethics Committee, upon receipt of the complaint, will decide if the matter is properly within its jurisdiction. Proper jurisdiction determinants include:
  - Is the complaint directed against a Member Association, Company Member or Individual Member.

- Is the accused act a violation of the NAWT Bylaws, Code of Ethics, Code of Practice, or Articles of Incorporation.
- Have any other complaints for the same violation already been submitted or reviewed.
- If the same complaint has been filed with a regulatory agency (by either the Complainant and/or the Accused) or filed in court (criminal or civil case), if so the complaint will be considered after the regulatory agency or judicial hearing has made their decision.
- The following designations shall be applied and actions taken:
  - **Complaint Declined** – The complaint is not within NAWT’s jurisdiction and/or does not constitute sufficient grounds for consideration; no further investigation will be conducted and no sanctions will be considered. Decision based on:
    - The individual is not a member of NAWT.
    - The Complaint contains unreliable or insufficient information or is without merit.
    - A complaint has already been dismissed for the same incident or the accused has already been warned or sanctioned for the same incident.
- Chairperson will notify the Complainant in writing within 30 days after the decision that NAWT will not accept jurisdiction of the complaint and provide the reason why it will not accept jurisdiction.
- The Complainant will also receive notice of the right to appeal within 30 days of the decision to dismiss.
  - **Complaint Accepted** – the complaint is within NAWT’s jurisdiction and does constitute sufficient grounds for consideration.
- Ethics Committee Chairperson will notify the Complainant in writing within 30 days after the decision that NAWT will accept jurisdiction of the complaint and further investigate the situation. The Complainant will be advised that they:
  - Are not entitled to any reimbursement for damages by virtue of this investigation process.
  - Will receive written notice of any actions or sanctions taken.
- The Ethics Committee will take the steps necessary to investigate and adjudicate the issue in dispute.
- If the complaint is accepted, the Chairperson will provide prompt written notice to the Accused individual stating:
  - That the complaint has been filed.
  - The nature of the violation(s) as put forth in the complaint.
  - That the complaint has been referred to the Ethics Committee for Investigation.
  - The accused is asked to submit a written response to the allegations, which must be received by the NAWT Ethics Committee Chairperson within 30 days of the date on the notification letter.
    - The response should include a detailed narrative addressing each of the violations alleged in the complaint.
    - The accused may admit or deny the allegations, and the response should include any justification or rationale for their actions.
    - The written response letter must be signed and dated by the accused.
    - Failure of the accused to submit a written response will not prevent the case from moving forward.

- If the Accused is an employee of a Company Member, the firm may be implicated along with the responsible employee and subject to sanctions. If implicated, the company member and any immediate supervisors will be deemed an Accused and receive written notice.

#### IV. Investigating a Complaint

- Chosen Ethics Committee member(s) will contact and interview all persons involved with the complaint, document all responses and acquire additional documentary evidence.
  - Personal judgment will be used regarding the degree of investigation required, based on the nature and seriousness of each violation and may include:
    - Telephone conversations with individuals involved.
    - Requests for written or published materials.
    - Visits to the locations(s) involved.
    - All inquiries will be conducted with the utmost confidentiality and all correspondence marked as "Personal and Confidential" (please refer to NAWT's Confidentiality Agreement).
- All persons involved in the Inquiry process will do their best not to reveal the identity of the Complainant and to maintain integrity, impartiality, and confidentiality at all times (please refer to NAWT's Confidentiality Agreement). Only the following people should be informed of an Investigation:
  - Investigating Ethics Committee Member(s).
  - Accused and the Complainant.
  - Others who may be contacted as part of the investigation.
- Ethics Committee Chair, or designated committee member, will prepare a written "Case Summary" of the facts, including all relevant documentary evidence.
- Ethics Committee Chair, or designated committee member, will prepare a "Resolution Recommendations" report. Recommendations may include:
  - Complaint is being dismissed due to lack of merit and/or jurisdiction - No hearing is needed
    - If there is no probable cause to believe a violation occurred, the Complainant and the Adverse Party should be informed in writing that the complaint is being dismissed, and be provided with a copy of the "Case Summary" and "Resolution Recommendations".
    - If the same complaint has been filed with a regulatory agency (by the Complainant) or filed in court (criminal or civil case) the complaint will be considered after the regulatory agency or judicial hearing has made their decision.
    - The Complainant would also receive notice of the right to appeal.
  - No hearing is needed but a Letter of Warning will be sent to the Accused indicating that:
    - There was or is the potential for impropriety, which does or could border on a violation of the Code.
    - A hearing may be convened, should additional complaints or further evidence be received, that indicates a violation has occurred.
  - A hearing should be conducted and sanctions will be considered with respect to the complaint.
    - A letter is sent indicating that there will be a hearing to be scheduled not less than twenty (20) days and no more than sixty (60) days after the date of such



notice, unless a later date is reasonably requested by the Accused and agreed to by the Chairperson.

- Both the “Case Summary” and the “Resolution Recommendations” reports are submitted to the Ethics Committee within 60 days of the complainant’s receipt.
- Attempts should be made to reconcile the complaint before sending it to a Hearing Panel.

## V. Complaint Hearings

- The Ethics Committee Chairperson shall mail a notice of the hearing to the Accused, the Complainant, and the members of the Hearing Panel. The notice will include:
  - The date, location and time of the Hearing.
  - The names and addresses of the Parties involved (this is the first time that the Accused is advised of the name of the Complainant.
  - Copies of all written evidence and reports pertaining to the complaint that have been obtained thus far by the Ethics Committee in the course of the inquiry.
  - A statement that the Accused is entitled to submit a written statement or any other written materials to the Ethics Committee prior to the Hearing.
  - A statement that all participants, including NAWT, are entitled to legal counsel and that they may bring further written evidence or materials to the Hearing.
  - A statement that the Accused has been asked to appear and must notify NAWT no later than fourteen (14) days prior to the hearing whether they will participate.
  - The Hearing Panel may choose to conduct a telephone hearing instead of a face-to-face hearing.
  - Should the Accused not respond or participate, the Hearing Panel will act without his or her involvement.
  - Expenses associated with a Hearing Panel will be paid by the parties involved (Complainant and Accused).
- The Hearing Panel will be composed of the Chairperson or Vice-Chairperson of the Ethics Committee and the Ethics committee.
- The Ethics Committee Chairperson will record the Hearing, and a transcript of the proceedings will be provided to each Party, upon request and payment to NAWT for costs.
- Five (5) members of the Hearing Panel will qualify as a quorum with a majority of those present necessary to reach any decision.
- The Hearing will be conducted under the following procedures:
  - Hear the Complainant and/or other witnesses outlining the allegation and receive any written evidence; questions from the Hearing Panel are allowed.
  - Hear the report(s) of the Ethics Committee; questions from the Hearing Panel allowed.
  - Hear the Accused and/or witnesses called by him/her and receive any written evidence; questions from the Hearing Panel are allowed.
  - Hear the Complainant's rebuttal; questions from the Hearing Panel are allowed.
  - Hear any final comments from the Ethics Committee; questions from the Hearing Panel are allowed.
  - Hear the Accused rebuttal to any charges; questions from the Hearing Panel are allowed.

- Immediately following the proceedings, the Hearing Panel will reconvene in a private Executive Session, to reach a decision. NAWT's legal counsel may attend the Executive Session in a non-voting capacity.
- The Complainant shall not be present at the Executive session of the Hearing Panel, although these individuals may be called back to answer questions during deliberations.
- The decision will be issued in writing by the Ethics Committee Chairperson to all parties involved within thirty (30) days after the Hearing.
- The Hearing Panel can generally reach one of these two decisions.
  - Dismiss the charges, in which event there is no further recourse within NAWT.
  - Determine that the Accused has committed a violation of one or more sections of the Code and is subject to a sanction or discipline.

## VI. Discipline or Sanctions

- The Board of Directors has the deciding vote on accepting the Hearing Panels decision if “Suspension” or “Expulsion” is recommended.
- Written notice of a vote for “Suspension” or “Expulsion” will be given by the Ethics Committee Chairperson prior to any meeting called for that purpose.
- If the Hearing Panel determines that an Accused has violated one or more provisions of the Code of Ethics or Practices and discipline is required, these sanctions are available:

### Reprimand – Private or Public

- The Hearing Panel can instruct NAWT’s Ethics Committee Chairperson to issue a letter to the Accused criticizing or condemning his or her actions, including any appropriate conditions or directives and warning of the consequences of subsequent violations.
- Copies of the letter will be issued to the Parties involved.

### Suspension

- The Hearing Panel can recommend to NAWT that the designation or designations (membership, Board member, etc.) of the Accused be suspended for one (1) year. If this recommendation is:
  - Approved by a vote of the majority, the suspension will become effective as of the date of that meeting.
  - If majority vote is not obtained, the Accused will be reprimanded.
- The NAWT Ethics Committee Chairperson will send a written notice of any suspension or reprimand to all Parties involved.
  - Notice should include any appropriate restrictions or conditions concerning membership rights and any other conditions or directives.
  - Requirements for reinstatement may be defined as part of this action.

### Expulsion

- The Hearing Panel can recommend to NAWT that the designation or designations (membership, Board member, etc.) of the Accused be revoked.
- If such recommendation is approved by a vote of eighty percent (80%), such revocation will become effective as of the date of that meeting
- If that eighty percent (80%) vote is not obtained, a second vote will be taken with respect to a one (1) year suspension. If the required majority vote is not obtained, the Accused will be reprimanded.

- The Ethics Committee Chairperson will send a written notice of any revocation to all Parties involved. Requirements for reinstatement shall be defined as part of this action.
- The voting members may reserve the right to review the decision of the Hearing Panel regarding any “Suspension” or “Expulsion” prior to voting on the sanction by requesting that the Ethics Committee Chairperson initiate a review.
  - The Ethics Committee Chairperson will appoint three members (all independent of the Investigation or Hearing Panel if possible) whose sole focus is to determine if the Hearing Panel recommendation was inappropriate, either because:
    - Of material errors of fact, or
    - The Panel failed to substantially conform to NAWT published criteria, policies, or procedures.
  - The results will be conveyed to the Ethics Committee Chairperson in writing and then presented to NAWT at the next monthly meeting after which a deciding vote will be taken.

#### Resignations or Other Settlement

- In lieu of sanctions, the Ethics Committee may by a majority vote:
  - Determine to accept the resignation of the Accused, or
  - Accept other arrangements in the nature of settlement that are proposed by the Accused.
- The terms of any such resignation or other settlement arrangements will be determined by NAWT.
- If the Accused submits a resignation in lieu of accepting sanctions as determined by the Hearing Panel, the Accused shall not be permitted to be reinstated.

#### Automatic Suspension or Expulsion Situations

- **State or Regulatory Body Revocation** – Upon the suspension or revocation of any state, local or regulatory body, any NAWT member would:
  - Lose his/her NAWT designation(s) (membership, Board member, etc.), and
  - Have his/her name removed from the NAWT registry immediately upon notification.
- **Conviction of a Felony** – Upon the conviction of a felony or a plea of "no contest" or "guilty" regarding any felony, the involved NAWT member would:
  - Lose his/her NAWT designation(s) (membership, Board member, etc.), and
  - Have his/her name removed from the NAWT registry immediately upon notification.
- Notification of any membership change will be given to the involved individual in writing by the Ethics Committee Chairperson. Requirements for reinstatement may be defined as part of this action.

## **VII. Use of Designation(s) after Suspension or Expulsion**

- No individual or company that has had a designation suspended or revoked or has resigned, regardless of cause, may use the designation (membership, NAWT logo, etc.) in any fashion during the term of the suspension or revocation.

## **VIII. Reinstatement**

- The Ethics Committee will have the power to reinstate a member who has previously resigned, provided:
  - Member was in good standing at the time of resignation.
  - Resignation was not due to an Ethics Code violation decision.
- The Ethics Committee will have the power of reinstating a member who has been suspended or expelled upon such terms and conditions it deems just and proper.
- A request for reinstatement of membership must be received in writing no later than six (6) months after the termination date of the suspension or three (3) years after an expulsion. The written request must include:
  - The applicants home and business contact information (past & present information).
  - Past membership number and membership designation.
  - Original cause(s), facts, and circumstances surrounding the decision to suspend or revoke the designation.
  - What actions were taken to rectify the violation.
  - Assurance that the applicant will abide by the Code of Ethics and Practices.
  - Documentation of all current state or local training certificate(s) and continuing educational credit hours.
- Send submissions to the NAWT Ethics Committee Chairperson.
- A copy of the submitted “Reinstatement Request” shall be provided to the Ethics Committee Chair at least 30 days prior to the next scheduled meeting.
- The Ethics Committee shall review any request for reinstatement and present their recommendations to the Board for a final vote of acceptance or rejection.
  - The final decision should be based on the premise that reinstatement is in the best interests of the Association and persons served professionally.
  - Reinstatement requires a two-third (2/3) vote of those members present and voting.
  - The Ethics Committee Chairperson shall remit a letter of decision to the applicant and any concerned state-local or regional associations.
- The Ethics Committee Chairperson shall maintain records for all “Reinstatement Requests” in paper and/or electronic form per the Retention & Destruction Schedule.

## **IX. NAWT’s Confidentially Agreement**

It is the policy of the National Association of Wastewater Technicians (NAWT) that committee members of NAWT will not disclose confidential information belonging to, or obtained through their affiliation with NAWT to any person, unless NAWT has authorized disclosure. This policy is not intended to prevent disclosure where disclosure is required by law.

Committee members are cautioned to demonstrate professionalism, good judgment, and care to avoid unauthorized or inadvertent disclosures of confidential information and should, for example, refrain from leaving confidential information contained in documents or on computer screens in plain view.

Members of NAWT's Ethics Committee shall not disclose proprietary or confidential information that becomes available to them because of their positions as committee members. NAWT has adopted this policy to ensure that information that is proprietary or confidential to Complainants or Accused is not disclosed or used by committee members outside the parameters of their positions.

Upon separation of a committee member's term, he or she shall return all documents, papers, and other materials, that may contain confidential information. Failure to adhere to this policy shall result in discipline taken against the committee member(s).

### Definition

Confidential or Proprietary Information shall mean all information disclosed to committee members or known by committee members as a consequence of or through his or her service on the Ethics Committee concerning the Complainant or Accused.

The obligation of confidentiality includes but is not limited to information regarding the Complainants and/or Accused information which a Chairperson or committee member(s) in furtherance of the exercise of his or her fiduciary duty of loyalty and good business judgment would conclude should be kept confidential.

Confidential information shall not include information which:

- Is in or hereafter enters the public domain through no fault of the Chairperson or committee members;
- Is obtained by the Chairperson from a third party having the legal right to use and disclose the same; or
- Is in the possession of the Chairperson prior to its receipt from NAWT (as evidenced by Chairpersons written records predating the date of service on the Ethics Committee).

# Professional Standards Ethics Complaint Form



The pre-printed portion of this form has been drafted by the National Association of Wastewater Technicians (NAWT). Any change in the pre-printed language of this form must be made in a prominent manner. No representations are made to the legal validity, adequacy and/or effect of any provision, including tax consequences thereof. If you desire legal, tax or other professional advice, please consult your attorney, tax advisor or professional consultant.

- The enforcement of NAWT’s Code of Ethics is achieved through an ethics complaint process.
- NAWT has no jurisdiction over an individual’s state, county or local license. To file a licensing complaint, contact your state, county or local licensing agency.
- NAWT Ethics Hearing Panels cannot award money or other damages. If you are seeking money or other relief, consider seeking legal counsel.
- A fillable version of NAWT’s Ethics Compliant Form is attached. Date, sign, and complete the entire NAWT Ethics Complaint Form before submitting. Incomplete Forms may slow the process.
- If the same complaint has been filed with a regulatory agency (by either the Complainant and/or the Accused Designee) or filed in court please note that this complaint will be considered null and void.
- Include all relevant documents, etc.

**PLEASE TYPE AND COMPLETE THE FOLLOWING TO ASSIST NAWT IN  
PROCESSING YOUR ETHICS COMPLAINT.**

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Date

**TO THE NAWT ETHICS COMMITTEE**

Complaint(s) allege(s) a violation of the NAWT Code of Ethics or other membership duty as set forth in the Bylaws and the Policies and Procedures of the Association, which (is/are) supported by the information contained herein and any attached signed and dated statements.

1. **PARTIES – COMPLAINANTS** Name(s) of the party(ies) filing the complaint [Complainant(s)]

**1a. COMPLAINANT NAME # 1**

*If Applicable:*

Affiliated Firm Name

Owners Name

Will the owner join you in this complaint

 Yes No

Send correspondence to Email Address

Mailing Address

Phone Number

Fax Number

**1b. COMPLAINANT NAME # 2**

*If Applicable:*

Affiliated Firm Name

Owners Name

Will the owner join you in this complaint

 Yes No

Send correspondence to Email Address

Mailing Address

Phone Number

Fax Number

*If you are requesting that correspondence be sent to more than one address, please list the additional contact information on a separate page, and attached the page(s) to this form.*

**NOTE: NAWT will send all correspondence relating to this complaint to the address above. You must notify NAWT in writing of any change in your contact information.**

**1. PARTIES – RESPONDENTS** Name(s) of the person(s) against whom you are filing the complaint  
[Respondent(s)]

**1c. RESPONDENT NAME # 1**

Respondent Name # 1

Affiliated Firm Name (if applicable)

**1d. RESPONDENT NAME # 2**

Respondent Name # 2

Affiliated Firm Name (if applicable)

More than one respondent can be named in the complaint if involved in the same transaction. If you are naming more than two respondents, please list the additional respondents and their affiliated firm names on a separate page and attach the page(s) to this form.

**1e. Respondent(s) is/are a member(s) of NAWT**

Yes

No

**2. DATE OF EVENT**

2a.

(month/day/year) is the date the alleged violation or the conclusion of the transaction.

Yes

No

The complaint is being filed within one hundred eight days (180) after the facts constituting the matter complained of could have been know in the exercise of reasonable diligence, or within one hundred eighty (180) days after the conclusion of the transaction, whichever is later.

**3. RELATED COMPLAINTS**

Yes

No

The same complaint has been filed with a regulatory (state, local or country) agency.

Date Filled

If yes, **Attach a copy of the regulatory agency complaint and related material**

Yes

No

The same complaint has been filed in court

Date Filled

If yes, **Attach a copy of the complaint and related materials.**

*Please note that this complaint will be null and void if legal action has been taken by either the Complainant and the Accused Designee*



**4. EXPLANATION OF COMPLAINT**

*Please complete the section below with as much detail explaining the situation regarding the complaint. If additional space is needed please include the details on a separate page(s), and attach the page(s) to this form.*

## 5. NARRATIVE

I (we) declare that to the best of my (our) knowledge and belief, my (our) allegations in this complaint are true.

A narrative is a story or an account of the sequence of events in the order in which they happened. Any narrative should be TYPEWRITTEN in a simple, concise, clearly-stated format so that someone unfamiliar with the situation can understand the series of events and how those events relate to the alleged Code of Ethics violation(s). A narrative should include all important dates, reference any relevant supporting documents, and identify any witnesses.

**A narrative is attached?**

Yes

No

## 6. SUPPORTING DOCUMENTATION AND EVIDENCE

Supporting documentation and evidence includes any relevant contracts, agreements, correspondence, or other papers that support the claim of an alleged Code of Ethics violation(s). If you are submitting supporting documentation/evidence, block out sensitive information such as social security number(s), driver license numbers(s), bank detail, birth dates, and employment information. Attach complete and accurate copies and indicate to which allegation the documentation relates. Please submit pertinent documentation/evidence only. Parties are encouraged to limit their submittals to 100 pages or less and acknowledge that it is the party's obligation to direct a hearing panel's attention to relevant information.

**Supporting documentation and evidence is attached?**

Yes

No

## 7. DETERMINING JURISDICTION

The Ethics Committee, upon receipt of the complaint, will decide if the matter is properly within its jurisdiction. Proper jurisdiction determinants include:

- Is the complaint directed against a Member Association, Company Member or Individual Member
- Is the accused act a violation of the NAWT's Bylaws, Code of Ethics, Code of Practice, or Articles of Incorporation
- Have any other complaints for the same violation already been submitted or reviewed
- If the same complaint has been filed with a regulatory agency (by either the Complainant and/or the Accused Designee) or filed in court (criminal or civil case), if so the complaint will be considered after the regulatory agency or judicial hearing has made their decision.

The Chairperson will notify the Complainant in writing within 30 days after the decision that NAWT will or will not take jurisdiction of the complaint. If it is decided that NAWT will not take jurisdiction the letter will provide the reason why.

## 8. CONFIDENTIALITY AGREEMENT

It is the policy of the National Association of Wastewater Technicians (NAWT) that committee members of NAWT will not disclose confidential information belonging to, or obtained through their affiliation with NAWT to any person, unless NAWT has authorized disclosure. This policy is not intended to prevent disclosure where disclosure is required by law.

Committee members are cautioned to demonstrate professionalism, good judgment, and care to avoid unauthorized or inadvertent disclosures of confidential information and should, for example, refrain from leaving confidential information contained in documents or on computer screens in plain view.

Members of NAWT's Ethics Committee must not disclose proprietary or confidential information that becomes available to them because of their positions as committee members. NAWT has adopted this policy to help ensure that information that is proprietary or confidential to Complainants or Accused Designees is not disclosed or used by committee members outside the parameters of their positions.

Upon separation of a committee member's term, he or she shall return all documents, papers, and other materials, that may contain confidential information. Failure to adhere to this policy will result in discipline taken against the committee member(s).

**Definition**

Confidential or Proprietary Information shall mean all information disclosed to committee members or known by committee members as a consequence of or through his or her service on the Ethics Committee concerning the Complainant or Accused Designee.

The obligation of confidentiality includes but is not limited to information regarding the Complainants and/or Accused Designees information which a Chairperson or committee member(s) in furtherance of the exercise of his or her fiduciary duty of loyalty and good business judgment would conclude should be kept confidential.

Confidential information shall not include information which:

- Is in or hereafter enters the public domain through no fault of the Chairperson or committee members;
- Is obtained by the Chairperson from a third party having the legal right to use and disclose the same; or
- Is in the possession of the Chairperson prior to its receipt from NAWT (as evidenced by Chairpersons written records predating the date of service on the Ethics Committee).

**9. ACKNOWLEDGEMENT**

I (we) acknowledge that all relevant information pertaining to the Code of Ethics allegations should be included in this complaint. The Ethics Committee will review the complaint to determine if the allegations made, if taken as true, may support an Ethics violation. If the allegations support a potential Ethics violation, the complaint will be forwarded for a hearing. If the Ethics Committee determines that the allegations do not support an Ethics violation even if true, the Committee will dismiss the complaint. If the same complaint has been filed with a regulatory agency (by either the Complainant and/or the Accused Designee) or filed in court please note that this complaint will be considered null and void and dismissed. If the complaint is dismissed, no additional information can be submitted, but you will have thirty (30) days from receipt of the dismissal notice to appeal the dismissal. NAWT will notify you of the Ethics Committee’s determination.

**I (we) declare that to the best of my (our) knowledge and belief, my (our) allegations in this complaint are true.**

**10. COMPLAINANT(S)**

\_\_\_\_\_

Type/Print

\_\_\_\_\_

Signature

\_\_\_\_\_

Type/Print

\_\_\_\_\_

Signature

<p><i>Submit the original complaint with five identical copies and them to:</i>  <b>Attention: NAWT Ethics Committee Chairperson</b>  <b>2800 West Higgins Road, Suite 440</b>  <b>Hoffman Estates, IL 60169</b></p>
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