

## Policy Violations

Violation of NACA's policies may at the discretion of NACA result in discipline including the suspension, expulsion, or termination of a member from the organization, or the expulsion or barring of an artist or volunteer from NACA sponsored event. Grounds for discipline include but are not limited to:

- A. Infractions of policies and procedures outlined in Association publications and materials, such as the *Associate Member Regional Conferences Guide*, the *Associate Member Convention Guide*, the *School Member Convention Registration Information* brochure, the *Membership Directory and Buyers' Guide*, NACA's membership applications, information from the regions on various events, etc.;
- B. A pattern of inappropriate use of the Violations of Association Policy process to address disputes between associate members, artists and/or school members;
- C. Written or verbal abuse, which is defined as the expression of demeaning, insulting, or intimidating comments based on sex, race, color, religion, national origin, age, disability, sexual orientation, or other areas given legally-protected status;
- D. Lewd or indecent behavior during an NACA sponsored event or any of its activities;
- E. Sexual harassment during an NACA sponsored event or any of its activities including, but not limited to: suggestions that refusal or willingness to submit to sexual advances will have an effect on membership or participation in or with NACA or any of its activities and/or the unwanted physical conduct or contact of any kind, sexual touching, advances or propositions
- G. Possession or use of any weapon during an NACA sponsored event or its activities;
- H. Violation of state or local laws governing the use of alcohol, or selling or distributing alcohol to underage delegates or attendees;
- I. Behavior as a result of consumption of alcohol that causes harm to persons or property;
- J. The possession, use, sale, or distribution of any drug or other substance illegal under state or federal law;
- K. Misusing or damaging NACA property by deliberate or reckless acts;
- L. Theft;
- M. Any act involving the misuse of NACA's computer network, system or software;
- N. Sending harassing, threatening, repetitive and/or abusive e-mails to NACA members, volunteers and/or Office staff;
- O. Initiating or engaging in furthering of disinformation or misinformation about the Association, its practices, members, volunteers and/or Office staff through e-mail or other communications;
- P. Arranging activities and/or events that conflict with scheduled NACA activities or events during NACA conferences, the National Convention or other NACA-sponsored programs or activities;
- Q. Inappropriate or unauthorized use of NACA's name and/or logo—or any other Association elements—to imply endorsement, affiliation or for any other non-sanctioned purpose;

- R. Engaging in misleading or untrue advertising and/or submitting misleading or untrue information for publication in NACA publications;
- S. Engaging in activities that directly conflict with the services already being offered by NACA or in services which directly relate to NACA's core business or some component thereof;
- T. Establishment of programs, services or activities which purport, allege or appear to be affiliated with NACA, but which are not;
- U. Conduct which, in the sole judgment and discretion of NACA, is contrary and detrimental to the interests, operations, missions and goals of NACA;
- W. Failure to comply with decisions finding policy violations and imposing sanctions;
- X. Violation of the confidentiality of an inquiry into alleged policy violations and the discussion of potential sanctions;

The Association reserves the right to track infractions and to levy sanctions against parties who develop a record of serial infractions over time.

On site at an NACA sponsored event or activity

1. Alleged infractions of policy should be reported to the following:
  - National Convention: the Office representatives dealing with Convention logistics and the Campus Activities Marketplace;
  - Regional Conference: the Office representatives on site dealing with the Regional Conference;
  - Other NACA events: the volunteer event manager in collaboration with the NACA Office

Alleged infractions may be reported by any delegate or attendee at an NACA event; however, certain kinds of alleged infractions—such as those dealing with sexual harassment/misconduct, alcohol abuse or the violation of event policies must be documented in writing, and may not be made anonymously. The Executive Director will determine if an alleged infraction must be documented in writing.

2. Once notified of the alleged infraction, the appropriate individual outlined above will investigate the details of the infraction. The appropriate individual outlined above is authorized to immediately remove any person from an event if there has been a violent act, an imminent threat of violence or destruction of property.

3. The Office representative will forward his/her findings on the violation to the NACA Executive Director, or designee, and the Chair of the Board of Directors, or designee. The Office representative, Executive Director, or designee, and the Chair of the Board of Directors, or designee, will decide whether to adjudicate or reject moving forward to adjudicate the allegation(s). If adjudication is pursued, past incidents involving the same party may be taken into account in determining the sanctions to be imposed. The Office representative has the option to gather additional information about the alleged violation if it is deemed necessary. The decision regarding the extent of the necessary investigation and type of sanction(s) imposed, if any, rests with the NACA Executive Director or designee and the Chair of the Board of Directors upon consultation with the Office representative.

4. Upon confirmation by the NACA Executive Director, or designee, the Office representative will inform the firm/school/individual of the finding and sanction in writing, with a copy faxed to both the Vice Chair for Programs (if needed) and the NACA Executive Director or designee. The final decisions regarding sanctions are confidential and at the discretion of NACA, and should not be discussed with any other members, attendees or volunteers.

5. The procedures outlined above can be waived by the Executive Director, but only after consultation with the Chair of the Board of Directors.

6. Decisions regarding sanctions, other than termination, suspension or expulsion of membership or the banning from NACA events, are final. If termination, suspension or expulsion or banning from NACA events is recommended, the member, artist or volunteer has the option to appeal to the Appeal Committee of the Board of Directors.

7. Information on the violation and the sanctions imposed will be kept in the NACA Office, and will be used to help determine sanctions if the firm/school/individual is again found to have violated NACA policies.

*Alleged violations by a member occurring other than at a NACA sponsored event or activity*

1. Alleged infractions of policy should be reported to the NACA Executive Director or designee. In order for NACA to begin an inquiry, alleged infractions must be reported within 30 calendar days of their occurrence. Certain kinds of alleged infractions must be documented in writing, and may not be made anonymously. The Executive Director will determine if an alleged infraction must be documented in writing.

2. Once notified of the alleged infraction, the Executive Director, or designee, will investigate the details of the infraction. If the Executive Director or designee deems the infraction has likely occurred, he/she will contact the Chair of the Board of Directors for a more complete discussion.

3. If the Executive Director and Chair of the Board of Directors conclude that a violation may have occurred, a phone meeting among the Executive Director and Chair of the Board of Directors and the accused will be conducted.

4. Any firm/school/individual allegedly violating policies will receive five business days written notice of the time and place of a phone conference and of the alleged policy violation. The notice will include details of the allegations made against the accused so that the accused may prepare for the phone conference and actively participate therein. Neither the accused nor NACA will be accompanied by legal counsel at such meeting or phone conference.

5. The Executive Director and Chair of the Board of Directors may conduct such additional investigation as they deem necessary and have the sole discretion to decide if the violation has occurred. If the finding is in the affirmative, the Executive Director will

inform the firm/school/individual in writing of the decision. Past incidents may be taken into account in determining the level of sanctions to be imposed. The deliberations and final decisions regarding sanctions are confidential, and should not be discussed by any party with any other members.

6. The procedures outlined above can be waived or altered by the Executive Director, upon consultation with the Chair of the Board of Directors as needed; however, no termination, suspension or expulsion of membership may occur without the accused being given the opportunity to address the allegations as described in paragraphs 3 and 4 above.

7. Decisions regarding sanctions other than termination, suspension or expulsions of membership are final. If termination, suspension or expulsion is recommended, the member has the option to appeal to the NACA Appeals Committee of the Board of Directors.

8. Information on the violation and the sanctions imposed will be kept in the NACA Office, and will be used to help determine sanctions if the firm/school/individual is again found to have violated NACA policies.

#### Sanctions for Policy Violations

Below is a list of sanctions that NACA may impose for policy violations. NACA may impose sanctions in any combination and sequence that it deems appropriate for any of the violations listed above. As stated, any of the violations may result in the suspension, expulsion, or termination of a member, or the expulsion or barring of an artist or volunteer from NACA sponsored event or activity. Sanctions include:

- Verbal or written warnings;
- Monetary fines, amount at the discretion of NACA;
- Loss of showcase, educational session or other activity;
- Expulsion from NACA event and immediate booth closure;
- Loss of opportunity to specify booth location preference for a specified period of time;
- Loss of opportunity to submit to showcase for a length of time to be determined by NACA;
- Suspension from participation in NACA events for a length of time to be determined by NACA, including permanently;
- Suspension of membership; or,
- Permanent loss of membership.

As provided in Section 2.18 of the Bylaws, except in the case of an on-site violation requiring immediate removal from an event, if the proposed sanction is termination or suspension or expulsion or banning from NACA event or activities, NACA will give a member/artist/volunteer written notice of his or her proposed suspension, expulsion, termination or ban and the reasons therefore at least fifteen (15) days before the proposed effective date of the suspension, expulsion, termination or ban.

If termination, suspension or expulsion of membership or ban is determined to be the appropriate sanction, the member/artist/volunteer in question shall be notified in writing and will have the option to appeal the decision to the NACA Appeals Committee of the NACA Board of Directors. The NACA Appeals Committee of the Board of Directors is made up of three members of the Board of Directors appointed by the Chair of the Board. On any appeal, the Appeal Committee's decision will be final. The member/artist/volunteer shall have the opportunity to be heard by the NACA Appeals Committee in writing at least five (5) days before the proposed effective date of the suspension, expulsion or termination

Any appeals must be made in writing, and must be filed within 10 days after the member receives the *written* notice of the sanction. In addition to any written submission that the member/artist/volunteer may wish to make in support of his/her appeal, the member/artist/volunteer has the right to request the opportunity to present his/her case to the NACA Appeals Committee of the Board by means of a telephone conference meeting. Neither the member/artist/volunteer nor NACA will have legal counsel at such telephone meeting. Based on the *information submitted*, the NACA Appeals Committee of the Board may affirm, modify or reverse the decision of the NACA Board Chair and Executive Director. The decision of the NACA Appeals Committee of the Board of Directors shall be final. Any notice shall be effective upon the first to occur of the following:

- (i) upon receipt by the member to whom such notice is being given; or
- (ii) five (5) days after being duly deposited in the United States mail, if mailed to the last address of the member shown on NACA's records with first class postage affixed; or
- (iii) on the date shown on the return receipt, if sent by certified mail and sent to the last address of the member shown on NACA's records.