

American Institute of Constructors

Constructor Certification Commission Policy and Procedures No. 5.8

Confidentiality

Policy – The American Institute of Constructors Constructor Certification Commission members, employees, contractors and volunteers may not disclose, divulge, or make accessible confidential information belonging to, or obtained through their affiliation with the Commission to any person, including relatives, friends, and business and professional associates, other than to persons who have a legitimate need for such information and to whom the Commission has authorized disclosure in writing. This policy is not intended to prevent disclosure where disclosure is required by law.

Responsibility – Constructor Certification Commission

Reference Commission Documents – Commission Document No. 25 - Confidentiality Statement

Procedures – The following procedures will be followed to in2 (l)-un e TT(S)-4 (t)-2 (a)4 (t)-2 (e)4 (m)-2 (e)4 (n) rs, employees, contractor and volunteers should be sensitive to the

6. In the event that a member of the Commission, one of its volunteers, employees or contractors divulges confidential information, and it is brought to the attention of the Commission by any party, the Commission has the responsibility to conduct a formal investigation to determine, if in fact, one or more of the conditions contained in the Confidentiality Agreement were breached.
7. The formal investigation must begin with a request from the Complainant. Complaints must be submitted, in writing, to the Commission Certification Manager or a designated Commission individual and shall consist of the following:
 - a. Person's name and contact information
 - b. Complainant's name and contact information
 - c. Copies of non-confidential written material supporting the complaint
 - d. Specific confidential information that was divulged.
 - e. Any other written information supporting the complaint.
8. Upon receipt of the complaint, the Certification Manager will immediately assign it a sequential case number. In addition he/she will review the complaint for relevance and completeness, verify that the person named in the complaint is a current member of the Commission, or one of its

- c. Action regarding the complaint will be taken in accordance with the procedures contained in this Commission Policy.
 - d. All Commission deliberations are confidential.
 - e. The Complainant is requested to assist in maintaining impartiality and confidentiality.
 - f. After the final disposition by the Commission and either the conclusion of the named individual's appeal or the expiration of the named individual's opportunity to appeal, an appropriate record of the final disposition will be posted on a publicly accessible section of the Commission's website which is open for examination by the Complainant and the public at any time.
 - g. The Commission appreciates the Complainant's action which assists in maintaining the integrity and value of the Commission's credentialing activity.
12. At the same time that the Certification Manager prepares the above letter to the Complainant, he/she will send a notice by registered mail (return receipt requested), or by any other form of reliable overnight or other delivery in which a record of such delivery is maintained, to the named individual. This letter will state that:
- a. A complaint has been received and passed to the Commission for its consideration.
 - b. Action regarding the complaint will be taken in accordance with this Policy.
 - c. Deliberations are confidential.
 - d. The named individual will be advised by registered mail of the decision of the Commission.
 - e. The named individual has a right to a hearing on the complaint.
 - f. The named individual has a right to appeal an adverse action in accordance with the Commission's Appeal Policy.
 - g. At the point of final disposition and action, if any, an appropriate record of such will be posted on a publicly accessible section of the Commission website.

This letter also will:

- Provide the name and contact information of the Complainant.
- Ask the named individual to admit to or deny in writing the existence of the breach of the Confidentiality Statement that has been identified in the complaint.
- Ask the named individual to provide documents, if any, to support his/her denial of the complaint.
- State the address to be used in responding to the Commission via the Certification Manager.
- Request that the named individual to communicate only in writing to the Certification Manager.
- State that names and personally identifying information have been removed from the version of the complaint available to Commission members and, as such, a case number has been assigned by the Certification Manager and the named individual is required to assist in the Commission's efforts to preserve this confidentiality.

Enclosures to this letter will include:

- A full working copy of the complaint.

- A copy of this Policy.
- A copy of the Appeals Policy.
- A statement that the named individuals response to this letter must be in writing and postmarked within sixty (60) calendar days of the date of the notice, and this date should be expressed as a specific due date.

13. When received, a confidential working copy of the named individual's response (the Executive Director will endeavor to remove the named individual's entire name and contact information) will be provided to all Commission members by the Certification Manager.
14. The Commission will review all of the materials submitted along with the named individual's written response. The Commission may elect to work as a committee of the whole or the Commission may determine that one of its members needs to be assigned to investigate the documents further to analyze, synthesize, reconcile, or otherwise assure that the file on its face appears complete, factual, and consistent. While the Commission may make independent factual investigations, it is not obligated to do so and will generally make decisions based on the written submissions of the Complainant and the named individual.
15. After the Commission reviews and deliberates, it shall make a determination whether it
14.

on all of the information they have to date. Once a meeting time and arrangements have been set after consultation with the named individual, requests for changes to such arrangements shall only be honored pursuant to the Commission's Chair's sole discretion. In the event of a sudden illness or accident the Commission will reschedule the hearing at a time convenient to the named individual.

20. Upon request by the Commission, the Certification Manager, and the Commission's Legal Counsel shall be available to assist the Commission at the Hearing. The Commission Chair shall preside at the hearing. The named individual may be represented by counsel at the hearing. No formal legal rules of evidence, cross-examination, oath, and other procedures will apply to hearings.
21. Not less than three (3) Commission members shall be in attendance for the hearing.
22. The Commission Chair shall have general discretion to set the agenda and conduct the hearing in a fair and expeditious manner.
23. The named individual will be responsible for his/her expenses associated with a breach of Confidentiality Statement investigation or case, including the costs associated with any witnesses or legal counsel.
24. At the conclusion of the hearing, the Commission will review the hearing record as well as the written record and, if a finding of a breach of the Confidentiality Statement is made, will make a decision regarding disciplinary action for the case. Disciplinary actions within the purview of the Commission pertain only to the role that the named individual has with the Commission. The maximum penalty the Commission may impose is to terminate their official relationship to the Commission. The Commission may

negotiation and settlement may be deemed confidential and not discussed with any Commission member or staff, complainant or other third party.

32. The Commission shall not be liable for damages in the carrying out of its obligations and duties in accord with these established procedures.
33. Copies of all documents and related correspondence, generated in complying with this policy will be placed by the Certification Manager in the respective individual's secured Commission file.

Revision History