

NAAEI INVESTIGATION PROCEDURE

| | | |
|-----|--|---|
| 1. | INTRODUCTION | 2 |
| 2. | DEFINITIONS..... | 2 |
| 3. | SANCTIONS | 2 |
| 4. | RIGHTS OF THE ACCUSED STUDENTS..... | 3 |
| 5. | OVERVIEW: INVESTIGATION PROCEDURE | 3 |
| 6. | PHASE 1: INVESTIGATION | 3 |
| 7. | PHASE 1B: STUDENT/CANDIDATE/CREDENTIAL HOLDER NOTIFICATION | 4 |
| 8. | INVESTIGATION REPORT..... | 5 |
| 9. | PHASE 2: REVIEW PANEL | 5 |
| 10. | PHASE 2B: STUDENT NOTIFICATION | 7 |
| 11. | PHASE 3: APPEALS PROCEDURE..... | 7 |
| 12. | PHASE 3B: STUDENT/CANDIDATE/CREDENTIAL HOLDER NOTIFICATION | 9 |
| 13. | INDICATIVE SANCTIONS GUIDANCE | 9 |

| Version control | Summary of changes | Date of publication |
|------------------------|---------------------------|----------------------------|
| 1.0 | First publication | 31 December 2023 |
| | | |

1. INTRODUCTION

- 1.1 The purpose of this document is to set out the internal procedure for dealing with a suspected submission of fraudulent information to NAAEI regarding certificate eligibility requirements or renewal/reinstatement requirements and/or an Exam Regulations Breach.

2. DEFINITIONS

- 2.1 **Submission of Fraudulent Information** means the student/candidate/credential holder falsified information regarding their ability to meet NAAEI's certificate program eligibility and/or renewal/reinstatement requirements. Requirements generally include, but are not limited to, obtaining industry experience, completing the NAAEI program training, completing an enrollment application, sitting an examination and once the credential is earned, can include completion of continuing education credits (CECs).
- 2.2 **Exam Regulations Breach** means a breach of any rules or regulations applying to students/candidates taking NAAEI exams. NAAEI's exam regulations are provided on the NAAEI website and in the Candidate Handbook. The exams and the questions are the exclusive property of NAAEI and are protected by copyright law. No part of these exams may be copied or reproduced in part by any means whatsoever. Students/candidates may not discuss or disclose the contents of the exam orally, in writing, or by any other means. During the exam, students/candidates may NOT communicate with other exam participants, refer to any materials, or receive any information or help from anyone other than the proctor. Such activities may cause the exam to be discontinued, invalidate the exam results, or lead to other appropriate action. In such event, the exam fee will not be refunded due to costs incurred by NAAEI.

Exam Results Breach includes, but is not limited to:

- (a) cheating or tampering with any computer used for exam purposes;
- (b) falsifying results; and/or
- (c) tampering with results to enable false certification
- (d) disclosing, publishing, reproducing or transmitting exam content, in whole or in part, in any form or by any means to another person.

3. SANCTIONS

- 3.1 In circumstances where NAAEI has reasonable grounds to believe and determines that a Submission of Fraudulent Information and/or Exam Regulations Breach did occur, the following are sanctions which can be imposed by the Review Panel:
- (a) enrollment or renewal/reinstatement application may be put on hold pending the outcome of an investigation and the Review Panel and/or Appeals Panel decision;
 - (b) prohibited (temporarily or permanently) from participating in NAAEI credential programs pending the outcome of the investigation and disciplinary process;
 - (c) enrollment or renewal/reinstatement application be permanently invalidated and credential withheld or revoked;
 - (d) exam results may be temporarily invalidated, pending the outcome of an investigation and the Review Panel and/or Appeals Panel decision;
 - (e) students/candidates prohibited from sitting further NAAEI exams pending the outcome of the investigation and disciplinary process;
 - (f) exam results may be permanently invalidated and credential withheld; and/or
 - (g) exam/application fees may be deemed to have been forfeited.

4. RIGHTS OF THE ACCUSED STUDENTS

4.1 Students subject to this procedure have the following rights:

- (a) to be informed in writing of the specific allegation and evidence against an individual;
- (b) to be provided a copy of NAAEI's Investigation Procedure and NAAEI's policies;
- (c) to know the possible consequences should fraudulent information or an Exam Regulations Breach be proven;
- (d) to have an opportunity to submit a written statement/representation in response to the allegation;
- (e) to have an opportunity to seek independent advice;
- (f) to be informed of the applicable appeals procedure; and
- (g) to be informed of the possibility that information relating to serious submission of fraudulent information or Exam Regulations Breach may be shared with the regulators and other relevant authorities.

5. OVERVIEW: INVESTIGATION PROCEDURE

5.1 NAAEI's Investigation Procedure consists of three main phases. After each phase the student will be notified of the outcome and next steps.

- (a) **Phase 1:** Investigation
- (b) **Phase 2:** Review Panel
- (c) **Phase 3:** Appeal (if relevant)

6. PHASE 1: INVESTIGATION

6.1 An investigation may be triggered in a number of ways, including but not limited to:

- (a) whistleblowers/witnesses, including employers, regulators, other professional bodies and/or the public reporting wrongdoing (suspected Submission of Fraudulent Information and/or Exam Regulation Breach);
- (b) anomalies identified within exam performance data reported by NAAEI staff and/or associates during routine quality assurance checks;
- (c) test centers and/or test proctors reporting a suspected Exam Regulations Breach; and/or
- (d) exam performance anomalies detected by anti-plagiarism software.

6.2 NAAEI will not usually disclose the identity of individuals reporting allegations, unless legally obliged to do so.

- 6.3 When NAAEI receives a suspected allegation, NAAEI Staff will evaluate the allegation in the light of any available information to ascertain whether there is cause to investigate further. An investigation does not assume that there has been a Submission of Fraudulent Information or an Exam Regulations Breach. However, all suspected incidents will be considered to determine whether further investigation is required.
- 6.4 NAAEI Staff will lead and coordinate investigation activities to obtain the facts of the case and collate any supporting evidence. Lines of enquiry may include, but are not limited to:
- (a) CCTV footage;
 - (b) witness statements/ test proctor statement;
 - (c) biometrics;
 - (d) exam administrator's investigation report;
 - (e) psychometric evidence;
 - (f) exam performance data;
 - (g) unauthorized material found in the examination room or photographs of material; and/or
 - (h) third party's verification of request
 - (i) any other evidence deemed relevant to the suspected Submission of Fraudulent Information or Exam Regulations Breach.
- 6.5 On completion of the investigation, NAAEI Staff produces an investigation report, puts the enrollment application and/or exam result on hold, refers the case to a decision-making committee (the Review Panel or Appeals Panel) and notifies the student(s)/ candidate(s)/credential holder(s) involved.
- 6.6 NAAEI Staff is responsible for preparing and presenting the investigation report to the decision-making panel and addressing any queries. The report may be circulated to panel members ahead of the hearing, where appropriate.

Notification to Regulators

- 6.7 Where there is a confirmed Submission of Fraudulent Information or Exam Regulations Breach with respect to regulated credential programs (such as the Certificate for Maintenance Technicians program in Florida), NAAEI will notify the relevant regulator so that the regulator may take such action as it deems necessary.

7. PHASE 1B: STUDENT/CANDIDATE/CREDENTIAL HOLDER NOTIFICATION

- 7.1 The student(s)/candidate(s)/credential holder(s) affected will be notified of the suspected Submission of Fraudulent Information and/or Exam Regulations Breach and given further details about the Investigation Procedure and next steps. The student(s)/ candidate(s)/credential holder(s) will be given an opportunity to make representations to the Review Panel and to share, in confidence, any further information in relation to the suspected Submission of Fraudulent Information and/or Exam Regulations Breach.

8. INVESTIGATION REPORT

- 8.1 Once the decision has been made to refer a case to a decision-making committee, NAAEI Staff will liaise with the panel members to set a date and convene a panel hearing.
- 8.2 NAAEI Staff will produce a written report supported by the following documentation, as appropriate:
- (a) a statement of the facts, setting out the allegation (specific Submission of Fraudulent Information and/or Exam Regulations Breach), a clear account of the circumstances of the alleged submission or breach and an objective summary of the evidence gathered;
 - (b) the body of evidence relevant to the allegation (see section 6.4 above)
 - (c) a written statement/representation from the student(s)/candidate(s)/credential holder(s), where applicable;
 - (d) any exculpatory evidence and/or mitigating factors, where applicable; and
 - (e) details of the actions to be taken by NAAEI and/or its testing vendor.
- 8.3 The Investigation Report and any evidence which will be presented to the Review Panel in relation to individual student(s)/candidate(s)/credential holder(s) will be sent to the student(s)/candidate(s)/credential holder(s) affected prior to the Review Panel Hearing. The Review Panel may not hear any evidence which has not been made available to the person against whom the allegation has been made. The section of the Investigation Report which sets out the actions to be taken by NAAEI may not form part of the evidence against individual student(s)/candidate(s)/credential holder(s) and, therefore, may not be sent to the student(s)/candidate(s)/credential holder(s) affected.

9. PHASE 2: REVIEW PANEL

Review Panel Membership

- 9.1 The Review Panel consists of three voting members, independent to the investigation phase. The Review Panel is charged with making decisions that impact on student/candidate/credential holder progression and the validity of examination results and credential. The Review Panel has delegated authority from the NAAEI Board to void exam results if there are reasonable grounds to suspect that there was an Exams Regulations Breach.
- 9.2 The Review Panel comprises the following members:
- (a) the Chair of the Curriculum Development Committee;
 - (b) if involves the Certificate for Apartment Maintenance Technicians (CAMT) program then one member of the CAMT Advisory Group
 - (c) at least one member of NAAEI Examinations Senior Management Team, e.g. the Vice President of NAAEI or Credentialing and Accreditation Director;
 - (d) at least one other member from NAAEI Senior Leadership Team, e.g. the Executive Vice President; and

- (e) an independent member of NAAEI staff to act as non-voting Secretary to the Review Panel.

The secretary and/or Review Panel may seek procedural advice from other members of staff where appropriate and may also co-opt other relevant members of staff and/or NAAEI associates to present evidence where appropriate.

Review Panel's decision-making criteria

- 9.3 The Review Panel's decision-making criteria are based on the principles of fairness and transparency. The Review Panel aims to ensure:

- (a) all students/candidates/credential holders are treated appropriately and consistently;
- (b) all students/candidates/credential holders are informed and provided with relevant information throughout the process;
- (c) all students/candidates/credential holders are given the opportunity to make representations to the Review Panel;
- (d) the decisions made are evidence-driven and where appropriate data led;
- (e) where appropriate, psychometric evidence and/or industry standards are considered to benchmark atypical testing behaviors or patterns;
- (f) any sanctions posed are proportional to the severity of the submission of fraudulent information and/or exam breach; and
- (g) a timely resolution of all cases.

- 9.4 The burden of proving that a Submission of Fraudulent Information and/or Exam Regulations Breach has taken place shall rest on NAAEI. The required standard of proof shall be the balance of probabilities (i.e. NAAEI must establish that it is more likely than not that a particular fact has occurred).

- 9.5 In circumstances where the evidence collated during Phase 1 is insufficient or lacking, the Review Panel has the power to commission further lines of enquiry and/or investigation activities before reaching its final decision.

Review Panel Outcomes

- 9.6 Having considered all the evidence collated during Phase 1 (Investigation), the Review Panel shall decide on one of the following outcomes:

- (a) *No Submission of Fraudulent Information and/or Exam Regulations Breach*

If the Review Panel considers that no Submission of Fraudulent Information and/or Exam Regulations Breach has occurred, the Review Panel will dismiss the case and the student(s)/ candidate(s)/credential holder(s) concerned will be informed in writing.

- (b) *Insufficient evidence*

If the Review Panel considers that there is insufficient evidence to find that a Submission of Fraudulent Information and/or an Exam Regulations Breach has occurred, but that the facts require additional investigation, the Review Panel may, in its discretion, commission

further lines of enquiry and/or investigation activities before reaching its final decision (see Section 9.5 above).

(c) *Submission of Fraudulent Information and/or Exam Regulations Breach*

Where the Review Panel considers that a Submission of Fraudulent Information and/or Exam Regulations Breach has taken place, the Review Panel may impose a sanction(s) (as set out in Section 3 above) that is proportionate to the severity of the Submission of Fraudulent Information and/or Exam Regulations Breach. In doing so, the Review Panel shall have regard to the indicative sanctions guidance set out at Section 13 below.

If, in the discretion of the Review Panel, the Submission of Fraudulent Information and/or Exam Regulations Breach does not warrant one of the sanctions set out in Section 3 above, the Review Panel has the discretion to address the matter through other means, e.g. formal warning letter, tutorial advice and support for the student.

- 9.7 In each case, the Review Panel shall record its decision and reasoning in writing, and the decision shall be communicated to the NAAEI Board.
- 9.8 The Review Panel decision, evidence and any correspondence in relation to the case will be kept as a record.

10. PHASE 2B: STUDENT NOTIFICATION

- 10.1 The student(s) will be notified of the outcome of the Review Panel's decision in writing (usually within 10 working days). The student(s)/candidate(s)/credential holder(s) will also be informed of next steps and, if the Review Panel found a Submission of Fraudulent Information and/or Exam Regulations Breach, the student(s)/candidate(s)/credential holder(s) will be advised of their right to appeal the Review Panel's decision.

11. PHASE 3: APPEALS PROCEDURE

- 11.1 For the purpose of this procedure, an appeal is defined as a student/candidate/credential holder's request for a review of any decisions and sanctions imposed by the Review Panel.
- 11.2 All appeal requests must be submitted to NAAEI Staff in writing within 10 working days of the letter notifying the student(s)/candidate(s)/credential holder(s) of the Review Panel's decision.

Grounds for an Appeal

- 11.3 The Appeals Panel may consider appeals based on one or more of the following grounds:
- (a) there was unfairness, bias or irregularity in the procedure leading to the decision reached or the sanction imposed by the Review Panel;
 - (b) the decision reached or sanction imposed by the Review Panel was unreasonable or disproportionate given the facts of the case; and/or
 - (c) there is material new evidence which the student could not reasonably have provided

during Phase 1 or Phase 2 of this process, which may have had an important influence on the outcome of the Review Panel's decision-making process.

Principles underlying NAAEI's Appeal's Procedure

- 11.4 This appeals procedure is based on the principles of fairness and transparency. It aims to ensure:
- (a) Students/candidates/credential holders are given the opportunity to represent themselves and challenge any decisions made by the Review Panel on the limited grounds set out in Section 11.3 above;
 - (b) the process and decisions made by the Review Panel are objective, evidence-driven, data led and free from impropriety;
 - (c) the decisions made by the Review Panel are fair and reasonable, and any sanctions imposed by the Review Panel are proportionate to the Submission of Fraudulent Information and/or Exam Regulations Breach in question; and
 - (d) students/candidates/credential holders are given the opportunity to introduce important new evidence which was not available to them at a previous Phase of this process.

Appeal Panels Membership

- 11.5 The Appeals Panel is comprised of the following.
- (a) the Appeals Panel comprises at least 3 independent voting members, each of which must be independent of Phase 1 (Investigation) and Phase 2 (Review Panel); and
 - to include, Vice Chair of the Curriculum Development Committee
 - If it involves the CAMT program, then a member of the CAMT Advisory Group
 - (b) an independent member of NAAEI staff to act as a non-voting Secretary to the Appeals Panel. The Secretary must be independent of Phase 1 (Investigation) and Phase 2 (Review Panel).
- 11.6 The Secretary and/or the Appeals Panel may seek procedural advice from other members of staff as appropriate and may also invite them to any Appeals Panel hearing. Such members of staff should be independent of Phase 1 (Investigation) and Phase 2 (Review Panel).

Appeal Panel Hearing

- 11.7 The Appeals Panel is presented with:
- (a) the Investigation Report;
 - (b) the same body of evidence presented at Phase 2 (Review Panel);

- (c) the Review Panel's decision and rationale; and
- (d) the student/candidate/credential holder's appeal statement and copies of any new supporting evidence that the student/candidate/credential holder may wish to adduce pursuant to Section 11.3(c) above.

Appeals Panel Outcomes

11.8 Having considered all the evidence and the specific grounds for the student/candidate/credential holder's appeal, the Appeals Panel shall decide on one of the following outcomes:

- (a) none of the grounds for appeal is made out, in which case the Appeals Panel shall uphold the original decision and sanction imposed by the Review Panel;
- (b) if the Appeals Panel finds that there was unfairness, bias or irregularity in the procedure leading to the decision reached or the sanction imposed by the Review Panel, or that the decision reached by the Review Panel was unreasonable, the Appeals Panel may overturn the finding of the Review Panel and refer the case to a newly-constituted and independent Review Panel for rehearing;
- (c) if the Appeals Panel finds that the sanction imposed was inappropriate, the Appeals Panel may (i) remove the sanction imposed; or (ii) substitute a different sanction from amongst those available to the Review Panel;
- (d) if the Appeals Panel finds that there is material new evidence which the student/candidate/credential holder could not reasonably have provided during Phase 1 or Phase 2 of this process and, which may have had an important influence on the outcome of the Review Panel's decision making process, the Appeals Panel may direct that the original Review Panel should reconvene to hear the new evidence; and/or

11.9 In each case, the Appeals Panel shall record its decision and reasoning in writing. The Appeals Panel's decision is final and cannot be challenged.

12. PHASE 3B: STUDENT/CANDIDATE/CREDENTIAL HOLDER NOTIFICATION

12.1 The student/candidate/credential holder is notified of the Appeals Panel's decision (usually within 10 working days).

13. INDICATIVE SANCTIONS GUIDANCE

13.1 A sanction is the penalty imposed on a student/candidate/credential holder by the Review and/or Appeals Panel if a Submission of Fraudulent Information and/or Exams Regulations Breach is proven.

13.2 In determining the appropriate sanction, the Review and/or Appeals Panel will consider all relevant factors, including (but not limited to):

- (a) the potential risk to the integrity of the credential program and/or examination process;

- (b) the potential adverse impact on students/candidates/credential holders;
 - (c) the number of students/candidates and/or test centers affected; and/or
 - (d) the public interest and the potential risk to those relying on the qualification in question (e.g. employers and members of the public).
- 13.3 The Review Panel and the Appeals Panel shall observe the principle of proportionality and, accordingly, shall ensure the sanction imposed is the minimum necessary to achieve the purpose for which it is imposed.
- 13.4 The Review Panel or the Appeals Panel shall also consider whether there are any aggravating or mitigating factors in the specific circumstances of each case.
- (a) Aggravating factors may include (but are not limited to) prior planning, intention to gain an advantage (irrespective of whether an advantage materialises), dishonesty and a lack of co-operation with the investigation.
 - (b) Mitigating factors may include (but are not limited to) voluntary reporting or whistleblowing, co-operation with the investigation and evidence that no gain was intended. Unawareness of the regulations, by itself, will not be considered a mitigating factor.
- 13.5 The Review Panel and the Appeals Panel are free to attach such weight as they think fit in their absolute discretion to any aggravating or mitigating factors.