

Institute for Safety and Health Management

BYLAWS

June 1, 2009

4841 East County 14 1/4 St.

Yuma, AZ 85365

1-877-201-4053

ARTICLE I

NAME, PURPOSE, FUNDS, AND DEFINITIONS

Section 1 - Name

The name of this corporation shall be the Institute for Safety and Health Management, hereinafter called the ISHM.

Section 2 - Purpose

The principal purposes of the ISHM, as more fully set forth in its Articles of Incorporation are to:

- A. Establish the minimum academic and experience requirements necessary to receive certification as a Certified Safety and Health Manager, the designation of Associate Safety and Health Manager, or other such designations established pursuant to resolution by the Board of Directors.
- B. Determine the qualifications of applicants and arrange, control, and conduct investigations and examinations to verify the qualifications of candidates for certificates to be issued by the ISHM.
- C. Grant and issue to qualified applicants, a certificate and maintain a directory of the holders of all valid certificates.
- D. Establish requirements for the continuance of certification. The ISHM also has such powers as are now or may hereafter be granted by the Missouri Non-Profit Corporation Act and determine compliance of certificate holders with approved requirements.

E. Communicate and, where appropriate educate public and private agencies, groups, and individuals with respect to matters of common interest; and it will inform employers, public officials, the public, management, engineering, and related practitioners of the benefits of certification.

F. Section 3 - Funds The funds for carrying out the purposes of this corporation shall be obtained primarily by fees from persons applying for or being examined for the designation of Certified Safety and Health Manager and other designations approved by the Board of Directors, from designees paying an annual renewal fee of said designations, from persons applying for reinstatement, and from persons required to pay any penalty fee which may be established for delinquent payment of the annual renewal fee. The fees to be charged under the provisions of this Section shall be set by the Board of Directors and shall be limited to such amounts as are necessary to carry out the provisions of Section 4 of this Article.

G. Section 4 - Application of Funds

The funds obtained under the provisions of Section 3 shall be applied to defraying the expenses of the administration of this corporation including the publication of such information relating to requisites for the designation of Certified Safety and Health Manager and such other functions and activities which are within the scope of Section 2 of this Article.

H. Section 5 - Definitions

For the purposes of these Bylaws, the terms listed below are defined as follows:

Certified Safety and Health Manager [Hereinafter known as CSHM] - An individual, who demonstrates knowledge of health and safety management skills and techniques through education, examination and experience. In addition to technical knowledge of safety and industrial hygiene the individual possess working knowledge of a broad range of business and financial principles. An individual, who utilizes their expertise to achieve an optimal control or reduction of the conditions which are detrimental to the work environment and who has met all of the requirements for professional certification or other such designations or certifications as established by the ISHM

Associate Safety and Health Manager [Hereinafter known as ASHM] A designation intended to recognize those individuals who possess some combination of formal training and experience listed below that prepares them for safety and health management responsibilities. The ASHM designation serves to let potential employers and current employers know that these individuals have been formally educated to address workplace safety and health issues or are ready to step into entry level positions in safety management. The ASHM designation is a separate designation not requiring a certifying examination and is not required for CSHM certification (Revised 10/03 & 12/04). Training and experience requirements for the ASHM designation:

- a. Bachelors or advanced degree in safety and health management recognized by the ISHM board, or
- b. Bachelors degree plus 3 years of qualifying work experience, or
- c. Safety and health related associate degree plus 7 years of qualifying work experience, or
- d. Safety certificate recognized by the ISHM board plus 9 years of qualifying work experience.

Certified Safety Health Manager (Retired). (Hereinafter known as a CSHM-R)

Upon request to the Board, a CSHM in good dues standing who has retired from full-time or part-time practice of safety and health management will be granted Retired status.

The designation CSHM (Ret) will be used in the ISHM roster. This designation may not be used on business cards or on any work product relating to safety and health management. The CSHM (Ret) designation may be used on a resume or CV if the years of active certification are referenced.

Retired CSHMs do not submit a CM Worksheet.

A CSHM who has declared himself/herself to be retired from active practice, but who is found to be working in safety and health management and using the CSHM or CSHM (Ret) designations, will be subject to the ISHM ethics review procedures.

A Retired CSHM may no longer use the CSHM embossing seal or stamp.

If a Retired CSHM wishes to reactivate their certification, they must show a CM Worksheet for the previous 5 years that provides for 30 points in continuing activity (except in category #1), subject to the maximum point allowances in effect at the time of application to reactivate. Retired CSHMs may also reactivate by taking and passing the Certification examination. (Revised 7/08)

Certified Safety and Health Manager / Associate Safety and Health Manager (Suspended) (Hereinafter referred to as a CSHM /ASHM – S)

This designation is for CSHM /ASHM holders who, due to circumstances beyond their control, find it difficult to temporarily maintain their designation. The suspended status is valid not to exceed one year and may be used only once by any given person.

The designation CSHM (S) or ASHM (S) will be used in the ISHM roster. This designation may not be used on business cards or on any work product relating to safety and health management. The Suspended designation may be used on a resume or CV. This status recognizes that you are currently not in full-time or part-time practice of occupational safety and health and that you previously practiced in the safety and health field and held the unrestricted CSHM / ASHM designation.

ISHM will not collect renewal fees for holders of the Suspended status until such time as ISHM is notified that Suspended status is no longer necessary. Renewal fees will then be prorated to the next renewal cycle.

A CSHM who is in suspended status will not be required to submit COC documentation for the period of suspension.

A holder of a suspended status designation who is found to be working in safety and health management and using the CSHM or ASHM designations, will be subject to the ISHM ethics review procedures.

When a holder of a suspended designation wishes to reactivate their designation, they must apply, by letter, to the ISHM office. Upon receipt of the prorated renewal fees the suspended status will be removed and the holder may then utilize the designation as outlined in the ISHM bylaws.

Those desiring the suspended status must complete and submit the application form found at ismh.org. Added 10/09)

- I. Certificate. A document issued by the ISHM to an individual indicating that the individual named in the document has met the requirements for the designation named therein.

Possessing a certificate does not necessarily imply that the holder of the certificate is currently certified. Each five years a CSHM certificate holder must requalify by meeting professional achievements set forth by the Board and be subject to audit by the process established by the Continuance of Certification Committee as approved by the Board. AHSM certificate holders have six years from date of issue to successfully complete the examination for the CSHM. ASHM designation will expire six years after the date of issue or when replaced by the CSHM designation. (Revised 10/03)

ARTICLE II

OFFICES AND REGISTERED AGENT

Section 1 - Offices

The corporation shall have and continuously maintain a registered office in a state as directed by the board of directors (Rev 06/2009). However, it may have other offices within or without that state (Rev 06/2009) as the Board of Directors may from time to time determine.

Section 2 - Registered Agent

The corporation shall appoint and continuously maintain a registered agent who is a resident of the State where ISHM is registered (Rev 06/2009) and whose office is identical to the registered office provided for in Section 1 of this Article. She or he shall perform such duties as are delegated to him or her by the Chair.

ARTICLE III

BOARD OF DIRECTORS

Section 1 - General Powers

The affairs of this corporation shall be governed by its Board of Directors, herein called the Board, who shall constitute the membership of said corporation.

Section 2 - Number and Tenure

The number of Directors on the Board shall be no less than six. The maximum number shall be determined by the Board depending upon requirements of national accreditation bodies to which ISHM belongs. The maximum number of consecutive terms, full or fractional, any one Director may serve on the Board shall be limited to two. A full term shall be six years with at least two Directors elected every two years.

Section 3 - Qualifications

Each Director of the Corporation shall hold a valid certificate as a Certified Safety and Health Manager except that one or more members appointed by the Board to represent the Public shall not be required to be a Certified Safety and Health Manager.

Section 4 – Selection of Board Members

Directors for a six-year term, or fraction thereof, shall be from the following sources:

- A. Board members shall be comprised of qualified CSHM members representing the public, certificants, regulators, and educators. A voting member representing the public is exempt from the certification requirement. (Revised 12/04)
- B. Board members shall affirm that their activities as a member of the Board of Directors does not, and will not, provide a conflict of interest with the purposes of the Board as described in Article I, section 2 above, nor will they represent or advocate any outside interest seeking to compromise the integrity of ISHM or its certification. (Revised 12/04)
- C. Every odd numbered year the Board shall oversee an election by the membership of qualified candidates for open or expired positions.
- D. The ISHM membership shall nominate qualified members of said membership as candidates for any expired Director positions. The membership shall submit Board positions prior to July 1 of the election year.
- E. Any vacant positions may be filled by the Board between scheduled elections.

Section 5 - Membership Organizations

The Board may invite organizations whose have objectives and programs that effectively support those of ISHM to designate a non-voting participant to serve on the Board. (Revised 12/04)

Section 6 - Regular Meetings

Regular meetings of the Board shall be held at least twice annually at such time and place as shall be determined by the Board.

Section 7 - Special Meetings

Special meetings of the Board shall be convened upon the call of the Chair or a quorum of Directors. Notice of any special meeting of the Board shall be given at least ten (10) days prior thereto by appropriate means.

Section 8 - Quorum

A quorum of the Board of Directors shall exist when at least a majority of its members are present, one of which must be the Chair, the Vice Chair, or the Secretary. A majority vote of the Board members present, a quorum being present and voting, shall be decisive, except for actions that require 2/3's vote.

Section 9 - Manner of Acting

The Board is authorized to act when:

A. Legally convened at a meeting of the Board called in accordance with the provisions of Sections 6 and 7 of this Article.

B. Polled by mail ballot in accordance with the provisions of the state where registered (Rev 06/2009) , except for the election of officers

Section 10 - Committees

The following are standing committees of the Board:

A. A Nominating Committee which shall consist of two Directors appointed by the Chair. This committee shall report nominations for the Board's offices.

B. An Executive Committee which shall consist of the elected officers (Chair, Vice-Chair, Secretary, Treasurer). The Executive Committee shall be responsible for:

1. The administration of the corporation between Board meetings.
2. The preparation of the annual budget.
3. Preliminary reviews of "charges" filed under the provisions of Article XIV.
4. Such other duties as the Board may direct.

C. An Examination Committee which shall be appointed by the Chair and chaired by the Vice Chair. The Board's Examination Consultant(s), Executive Director and other designated employees shall serve on the committee without vote. The Examination Committee is responsible for the development, maintenance, administration, and review of the examinations and examination procedures and for regularly conducting studies to ensure the validity of the examinations.

D. A Continuance of Certification Committee shall be appointed by the Chair. The Continuance of Certification Committee shall be responsible for establishing Continuance of Certification criteria and process and audit of Continuance of Certification submissions.

E. A Professional Development Committee shall be appointed by the Chair. The Professional Development Committee shall be responsible for maintaining liaison with other professional organizations, enhancement of the professional status of CSHMs, development of public relations, government relations and marketing programs.

F. A Finance Committee shall be appointed by the Chair. The Finance Committee shall be chaired by the Treasurer and shall be responsible for overseeing the finances of the ISHM to include budgeting and long-range financial planning and oversight of ISHM financial resources and assets.

G. A Professional Standards Committee shall be appointed by the Chair. The Professional Standards Committee shall be responsible for setting educational and experience standards for certification candidates, establishing and overseeing policies and procedures related to evaluation of candidate qualifications, maintaining a Code of Professional Conduct for certificate holders and promoting ethical practice.

H. The Chair may create committees, in addition to those named in these Bylaws, and delegate to them such powers and duties as deemed advisable.

I. A quorum of a committee exists when a majority of its members are present at a live, telephonic or electronic meeting.

J. A committee is authorized to act when a quorum of its members is present at a meeting or conference call or when polled by mail ballot and under the direction of its Chair.

K. The Board at its discretion may appoint an audit committee to review any and all aspects of organization operations. (Rev 06/2009)

Section 11 - Compensation

Directors shall not receive compensation for their services. The Board of Directors may provide for insurance coverage and reasonable travel or other expenses related to ISHM business for Directors. (Revised 12/04)

Section 12 - Removal and Resignation

A Director may be removed from the Board by an affirmative vote of two-thirds (2/3) of all Directors currently serving on the Board. A Director may resign upon providing prior written notice.

ARTICLE IV

OFFICERS AND EMPLOYEES

Section 1 - Officers

All elected officers of the corporation shall be chosen from the Board. There shall be a Chair, a Vice Chair, a Secretary, a Treasurer, and such other officers as may be elected in accordance with these Bylaws. The offices of Secretary and Treasurer may be combined into one office. The Chair, Vice Chair, Secretary and Treasurer shall make up the Executive Committee.

Section 2 - Election and Term of Office

The officers of the corporation shall be elected by the Board at its first meeting following the odd year elections. If a quorum of the Board is not present at the meeting, the election of officers shall not be held at that time, but shall be held at a meeting to take place as soon thereafter as convenient and where a quorum is present. Vacancies may be filled or new offices created and filled at any legally convened meeting of the Board. Each elected officer shall hold office until her or his successor shall have been duly elected. Directors elected to any office shall have served at least one year as Director, prior to taking such office.

A. The Vice Chair shall be elected to a two-year term of office and shall be Chair-elect and serve as Chair for a two-year term immediately following his or her term as Vice Chair.

B. In the event that the Vice Chair is unable to serve a term as Chair immediately following her or his term as Vice Chair, any other qualified Director may be elected to the office of Chair.

C. The Secretary shall be elected to a two-year term of office.

D. The Treasurer shall be elected to a two-year term of office.

Section 3 - Removal and Resignation

Any officer elected (or appointed) by the Board may be removed by a two-thirds (2/3) vote of all Directors currently serving on the Board whenever in its judgment the best interests of the ISHM would be served. An officer may resign upon providing prior written notice.

Section 4 - Chair

The Chair shall be the chief elected officer of the corporation. The Chair shall oversee the affairs of the corporation and shall preside at all meetings of the Board. The Chair may sign in this corporate capacity, with the Secretary or any other proper officer of the corporation authorized by the Board, certificates of qualification, deeds, mortgages, bonds, contracts, or any other instrument which the Board has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board or by these Bylaws or by statute to some other officer or agent of the corporation; and in general shall perform all duties as may be prescribed by the Board.

Section 5 - Vice Chair

In the absence of the Chair or in the event of her or his inability to act, the Vice Chair shall perform the duties of the Chair, and when so acting, shall have all the powers of and be subject to all restrictions upon the office of Chair.

Section 6 - Secretary

The Secretary shall oversee the keeping of the minutes of all Board and Executive Committee meetings, periodically review the operation of the Corporation's offices to see that all necessary records are properly maintained and that applications are being properly processed, and perform such other duties as may be assigned by the Chair.

Section 7 - Treasurer

The Treasurer shall give bond for the faithful discharge of his or her duties in such sum and with such sureties as the Board shall determine. The corporation shall pay all fees in connection therewith. The Treasurer shall have charge of and be responsible for all funds and securities of the corporation and for the deposit of all such monies in the name of the corporation in such banks, trust companies or other depositories as shall be selected in accordance with the provisions of Article VII of these Bylaws, and in general perform all duties incident to the office of Treasurer and such other duties as from time to time may be assigned by the Chair. Any and all of the above duties, while not entirely delegable to another officer of the corporation, may be carried out by the Executive Director so long as such duties are overseen by the Treasurer.

Section 8 – Executive Director (Rev 10/2009)

A. The Executive Director shall be an appointed officer, selected by the Executive Committee and confirmed by the Board. The Executive Director shall be paid an annual salary, to be set by the Chair and confirmed by the Board; shall be bonded, and under the general supervision of the Chair, shall manage and supervise the business of the Board’s operations and personnel.

B. After concurrence of two-thirds (2/3) of the Board, the Executive Director may be removed upon written notification from the Chair. The Executive Director may request an opportunity for a formal hearing before the Board prior to being removed by an affirmative vote of two-thirds (2/3) of the directors currently serving on the Board. The Executive Director may resign upon providing prior written notice to the Chair.

C. The Executive Director, with the concurrence of the Executive Committee, shall employ, supervise, and maintain such technical, administrative and clerical personnel as deemed necessary to carry out his or her duties and operations.

Section 9 - Employees

ISHM may employ such technical, administrative and clerical personnel as it shall deem necessary to carry out its duties and operations.

Section 10 - Consultants

ISHM may engage the services of consultants as deemed necessary by majority vote of the Board.

ARTICLE V

CERTIFICATION

Section 1 - General Provisions

A. Application for certification shall be submitted on forms prescribed by the Board.

B. Except as provided elsewhere in these Bylaws and by resolutions of the Board, applicants shall successfully complete examinations to determine qualifications for certification.

C. Applicants shall be of good moral character and furnish the names of references who shall have knowledge of their work assignments and character.

D. Applicants shall furnish documentation of sufficient academic education and work experience of a grade and character to meet the prescribed requirements.

E. Applicants shall otherwise comply with the Procedures for Certification as adopted by the Board.

F. Applicants meeting ISHM education, experience, and character certification requirements will not be denied the opportunity to sit for the CSHM certification exam. (Added 12/04)

G. Applicants identifying themselves as being disabled as defined by the Americans with Disabilities Act will be provided with the necessary resources and accommodations necessary for them to sit for the CSHM certification exam. (Added 12/04)

Section 2 - Continuance of Certification

Certificates must be maintained in a current and valid status as specified by the Continuance of Certification requirements established by the Board and as specified in Article XIII of these bylaws.

Section 3 - Board of Examiners

The Board shall constitute the Board of Examiners for the purpose of examining and certifying applicants.

All documents pertaining to applicants and certificants will be held confidential and may be released only upon written permission of the applicant or certificants. (Added 12/04)

Section 4 – Independence from Training

While recognizing that some candidates may benefit from examination preparation courses, ISHM does not provide, endorse or require such courses.

ISHM shall not offer or provide training, or aid others in the preparation of such services that could compromise the confidentiality and impartiality of the examination and certification process. No one who has direct access to examination materials or content may provide certification preparation training or assistance to potential certification candidates for the purpose of obtaining certification. This does not preclude training for continuing education activities or teaching safety management courses.(Added 06/2009)

ARTICLE VI

INDEMNIFICATION

Section 1

Any person, his or her heirs, executors, administrators or assigns, made a party to any action suit or proceeding by reason of the fact that such person was an officer, director or employee of the corporation shall be indemnified by the corporation against all expenses, including attorney's fees and judgments, but not to exceed the limits of reasonable amounts of insurance which shall be carried by the corporation for this purpose, which are actually and necessarily incurred in connection with the defense of any such action, suit or proceeding, which he shall be adjudged in such action, suit or proceeding to be liable for intentional and willful misconduct in the performance of his or her duties. Such right of indemnification shall be in addition to any other rights to which she or he may be entitled under the Bylaws, agreement, votes, or otherwise.

ARTICLE VII

CONTRACTS, CHECKS, DEPOSITS AND FUNDS

Section 1 - Contracts

The Board may authorize in writing, the Executive Director, or any member, employee, or officers so authorized by these Bylaws, to enter into any contract or execute and deliver any

instrument in the name of and on behalf of the corporation as may be necessary to carry out the purposes of the corporation.

Section 2 - Checks, Drafts, Etc.

All checks, drafts, or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the corporation, shall be signed by such officer, member, employee of the corporation and in such manner as shall from time to time be determined by the Board, such instruments shall be signed by the Executive Director or by the Treasurer. (Revised 10/04)

Section 3 - Deposits

All funds of the corporation, except for petty cash, shall be deposited from time to time to the credit of the corporation in such banks, trust companies or other depositories as the Board may select.

ARTICLE VIII

BOOKS, REPORTS, AND RECORDS

Section 1 - Books and Records

The corporation shall keep correct and complete records of accounts and shall also keep minutes of the proceedings of its Board, Board of Examiners, and committees having any of the authority of the Board and shall keep at the registered or principal office a record giving the names and addresses of all persons holding a valid certificate issued by the ISHM. All financial records of the corporation may be inspected by any Certified Safety and Health Manager or his/her agent for any proper purpose after giving adequate notice to the Executive Director.

Section 2 - Reports

On or before March 31 of each year, a brief report of the activities of this corporation in the annual period ending December 31 shall be prepared by or at the direction of the Chair of this

corporation and shall be presented to all Directors. Additionally, a fiscal report shall be prepared and distributed to the Directors. Board members shall be provided, at a minimum, with quarterly updates of the Corporation's financial status. (Revised 12/04)

A. Records regarding applicant certification shall be kept by the Executive Director in a secure location as follows:

a. Original applications for certification shall be kept for two years. (Added 12/04)

b. Application records may be kept electronically, on microfiche, or as the original document. (Added 12/04)

c. Each applicant's score on the certifying exam shall be kept for the period they maintain certification. (Added 12/04)

ARTICLE IX

FISCAL YEAR

Section 1

The fiscal year of the corporation shall begin on the first day of January and end on the last day of December.

ARTICLE X

CORPORATE SEAL AND CORPORATE SYMBOL

Section 1 - Corporate Seal

The Board shall provide a suitable corporate seal.

Section 2 - Corporate Symbol

The official symbol of the corporation shall be in the shape of a torch with the initials ISHM arranged to form an embossed monogram in gold on a white enamel background. The Board may

authorize certificate holders to use the terms “Certified Safety and Health Manager,” “CSHM,” “Associate Safety and Health Manager,” “ASHM,” or other designations as approved by the Board so long as they have a current and valid certificate issued by the Institute for Safety and Health Management. The corporate symbol is registered by the U.S. Patent and Trademark Office, and its use is prohibited except on printed or symbolic items provided by the Institute for Safety and Health Management or its designated suppliers.

ARTICLE XI

WAIVER OF NOTICE

Section 1

Whenever any notice is required to be given under the provisions of the Articles of Incorporation or the Bylaws of this corporation, a waiver thereof in writing signed by the person or persons entitled to such notice whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice, except as provided in Article XII of these Bylaws. Attendance at any legally convened meeting of the Board shall constitute a waiver of notice of such meeting.

ARTICLE XII

AMENDMENTS TO ARTICLES OF INCORPORATION AND BYLAWS

Section 1

The Articles of Incorporation and Bylaws of this corporation may be altered or amended by action authorized by a two-thirds (2/3) vote of the entire Board at any regular meeting, or at a special meeting called for such purpose provided that at least thirty (30) days written notice of the intended action is given to all members of the aforesaid Board, and further provided that no alteration or amendment of the Articles of Incorporation, Bylaws or procedures for Certification of this corporation shall have the effect of requiring or permitting anything which, in the opinion of counsel designated by the Chair of this corporation, would result in the disqualification of the

corporation under Section 501(c) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law).

ARTICLE XIII

EXPIRATIONS AND RENEWALS

Section 1 - Expirations

Each certificate issued by the Board shall expire annually on a date set by the Board and shall become invalid after that date unless renewed. The ISHM shall mail or electronically send (Rev 06/2009) a notice to every person holding a valid certificate stating the amount of fee required for its renewal. Such notice shall be sent (Rev 06/2009) to the last known address of each certificate holder at least thirty days in advance of the expiration date.

Section 2 - Renewals

A. Payment of the annual renewal fee is due on or before the expiration date of the certificate. If payment is not received within three (3) months after the expiration of the certificate, the certificate shall be considered invalid. Reinstatement of certificate holders whose certificates have become invalid may be allowed in circumstances deemed appropriate by the Board and in accordance with procedures established by the Board.

B. The certificates of certificate holders who do not meet the Continuation of Certification requirements established by the Board shall be considered invalid. Reinstatement of certificate holders failing to meet Continuation of Certification requirements may be allowed in circumstances deemed appropriate by the Board and in accordance with procedures established by the Board.

ARTICLE XIV

DISCIPLINARY ACTION

Section 1 - Grounds

The Board shall have the power to reprimand a certificate holder, suspend, refuse to renew, or revoke the certificate of any certificate holder who is found guilty of one or more of the following:

- A. Obtaining a certificate or a renewal of a certificate through the use of fraud or deceit. The making of any fraudulent, misleading or untruthful statements in any application or documentation submitted to the Board by any applicant, candidate or certification holder in an effort to obtain, retain or renew certification; or
- B. Violation of one or more of the provisions in the ISHM Code of Professional Conduct; or
- C. A criminal conviction of a felony, misdemeanor, or petty offense for acts done in connection with activities for which the certificate was issued whether the conviction arises by a finding of guilty by a judge or jury, a plea of guilty, or a plea of nolo contendere; or
- D. Unauthorized or illegal use of a certificate issued by the ISHM; or
- E. Unauthorized or illegal use of any ISHM document; or font-weight: normal'
- F. Unauthorized possession, distribution or use of any ISHM testing or examination materials including but not limited to, copying and/or reproduction of any ISHM examination questions or test related items; or disclosing to others any examination question or test related item.
- G. Unauthorized or illegal use of any registered certification mark or logo owned by the ISHM.

Section 2 - Procedure

- A. The Executive Director of the Board shall be solely responsible for bringing a charge against a certificate holder based on the ground(s) enumerated in Section 1. A charge shall be in writing and shall not be acted upon until filed with the Secretary of the ISHM. Any person may present to the Executive Director information relating to any person holding a certificate issued by the ISHM who may be guilty of one or more of the grounds enumerated in Section 1.

B. All charges shall be reviewed by a quorum of the Executive Committee within Sixty (60) days of receipt of the charges by the Secretary. All activities related to the filing, investigation, and resolution of charges shall be held confidential. The Board, its employees, agents and representatives shall not reveal the identity of any person who gives information to the ISHM that a certificate holder may be guilty of one or more of the acts enumerated in Section 1 unless the person giving that information authorizes the ISHM in writing to reveal her or his identity or unless revelation of that person's identity is directed by a court order. The Executive Committee shall review the charge(s) as presented by the Executive Director to determine if the charge(s) relates to grounds specified in Section 1 and states sufficient facts to call for a hearing on the charge(s) before a quorum of the Board of Directors. The Executive Committee may request additional information from the Executive Director, but the investigation of the charges and prosecution of any charge(s) against a certificate holder shall be the sole responsibility of the Executive Director. A charge which does not allege a violation under Section 1 and is not supported by sufficient evidence to establish a preliminary finding that probable cause exists relating to one or more grounds enumerated in Section 1, or which is more appropriately the subject of a different forum or court proceeding, or which is found to be untrue upon review by the Executive Committee, or which would create a conflict of interest if reviewed by the ISHM, or prosecution of which would interfere substantially with any state or Federal government investigation or prosecution shall, at the discretion of the Executive Committee, be stayed or dismissed. (Revised 12/04)

C. A charge, unless dismissed or stayed by the Executive Committee, shall be heard by a quorum of the Board not later than the second regularly scheduled Board Meeting following final review and a decision by the Executive Committee described in subparagraph B, above.

D. The date and place of any hearing on a charge shall be at the offices of the ISHM or such other place fixed by a quorum of the Executive Committee. A copy of the charge or charges, together with a notice of the date, time and place of the hearing on the charge or charges, shall be personally served on the charged certificate holder or mailed to the last known address of the charged certificate holder at least 30 days prior to the date fixed for the hearing. The Board may presume that service at the last known address, according to the records of the ISHM's official records, is adequate service for the purposes of implementing disciplinary procedures. Service by

mail shall be certified mail, return receipt requested. The notice of hearing shall advise the person charged that his or her right to a hearing may be forfeited if, without good cause, she or he fails to appear at the hearing personally or by his or her designated representative. If the person charged fails or refuses to appear, the Board may proceed to hear and determine the validity of the charges and take all appropriate action in accordance with the provisions of this article.

E. At the hearing, the person charged shall have the right to have a record made of the proceedings, copies of which may be obtained by the person charged at their own expense if any expenses are associated with the preparation of such record. The person charged shall have the right to call, examine and cross-examine witnesses which appear at the hearing. Any witnesses appearing on behalf of the person charged shall appear at the sole expense of the charged certificate holder. The person charged shall have the right to introduce evidence in his or her own defense if that evidence is determined by the Board to be relevant and material regardless of its admissibility in a court of law. At the hearing on the charge the rules of evidence and procedure which apply to state and federal courts shall not apply.

F. The person charged shall have the right to submit a written statement at the close of the hearing, and the person charged shall have the right to receive the written decision of the Board.

G. At any hearing the person charged may appear personally or be represented by her or his authorized representative.

H. The Board may appoint an ad hoc committee, consisting of no fewer than three members to hear the charges. The decision of that committee may be reviewed by the Board on its own motion but otherwise the decision of that committee shall be final subject to the provisions of subparagraph J, below. If after the hearing, a majority of a quorum of the Board or majority of the ad hoc committee votes in favor of sustaining the charges, the Board or the ad hoc committee may dismiss the charge, or reprimand the applicant, candidate or certificate holder, or suspend, refuse to renew or revoke the certificate or suspend or terminate the certification process of the person charged or take such other or further action as is deemed appropriate. If the certificate of the person charged is suspended, such suspension shall be for a period not longer than 10 years.

If the certificate of the person charged is revoked, such revocation shall be permanent. A person whose certificate has been revoked may apply for reinstatement only once every two years.

I. The Board, for reasons it may deem sufficient, may reinstate or reissue a certificate to any person whose certificate has been suspended, not renewed or revoked. In the case of any revocation of a certificate, such revocation shall be for a period of time of at least two years.

J. Any applicant, candidate or certificate holder who has been disciplined as provided in subparagraph H above by an ad hoc committee of the Board shall have the right to personal appeal. Such appeal shall be directed to the Chair who shall call a meeting of the Board within one hundred eighty (180) days of the filing of the appeal with the Secretary of the Board. Any appeal shall be limited to the record of the proceedings of the ad hoc committee including, but not limited to, all exhibits plus any written statement of the person charged who pursues a personal appeal. Any action taken by a majority of a quorum of the Board pursuant to such appeal shall be final, and the decision of the Board upon such reconsideration shall be sent to the person appealing within ninety (90) days of the decision of the Board.

K. The personal appeal may again be referred to the ad hoc committee whose decision shall be reviewed by a majority of a quorum of the Board.