

American Culinary Federation, Inc.  
Certification Commission  
Last Updated 12/20/11

## POLICIES

### A. INTRODUCTION

**BACKGROUND:** The American Culinary Federation, Inc. (ACF) is a national not-for-profit 501(C)(6) tax exempt federation of chefs and culinary professionals whose purpose includes the promotion of education and training of men and women for careers in food preparation, food services and culinary arts. The ACF Certification Commission is the certification body which operates within the corporate structure of the ACF.

**MISSION:** The American Culinary Federation Certification Commission, being an autonomous entity within the ACF, is committed to developing, implementing and monitoring a validated process of globally recognized certifications based on skills, knowledge, integrity and equality through an achievable process for all culinary professionals.

**PURPOSE:** The Certification Commission's purpose is to establish the governing rules and regulations related to ACF certifications, conduct the programs, make determinations regarding eligibility and all essential certification decisions, and provide mediation and interpretations for the program, as needed by staff and other volunteer groups.

**SCOPE:** The ACF Certification Commission conducts its activities for the benefit of individuals interested in the culinary industry and professional certification.

**AUTONOMY:** The Commission is solely responsible for setting all ACF certification policies and procedures, as defined by the ACF Bylaws. The Commission has sole authority to evaluate certification levels to determine the degree to which each complies with these standards. The Certification Commission shall be and remain independent and autonomous with respect to all decisions related to the certification program, including eligibility standards, the development, administration, and scoring of the assessment instruments, certification decisions, certification renewal, appeals, fee structures, operational processes, finances, administration, and all other lawful activities.

### B. COMMISSION COMPOSITION AND RESPONSIBILITIES

**COMMISSION:** The Certification Commission members are drawn from ACF certification stakeholders groups, including certificants, public, industry, educational, and service industries. The ACF Certification Commission is composed of not less than 16 and not more than 20.

The Commission shall include among its membership, at minimum, one public member, one representative from each ACF region, one CMC, one CEPC, one CC, one CEC and rotating representation from each of the following ACF certifications:

CPC, CSC, CWPC, CCC, CMPC, PCC, PCEC, CCA, CSCE, CCE

One public member shall be an individual who is not a practitioner of the culinary arts, foodservice/management, culinary arts education, certified by the ACF, or foodservice/management education and who appreciates the importance and the role of certification and shall represent the public's interest in certification decisions. The public member is not a current or past employee, board member, committee member or contracted monetarily by the ACF for certification purposes. A public member is selected for his or her ability to contribute an informed and broad based community point of view on certification issues. (See *Public Member Declaration*)

Should a commission member's certification level change, the next appointment to the commission will fill this vacated certification level.

Due to potential conflicts of interest, individuals holding the following positions shall not be permitted to serve as members of the Certification Commission:

- Current ACF Board members
- Current Accreditation Commission members
- Current Apprenticeship Committee members
- Current National Curriculum Task Force members.

**APPOINTMENTS / ELECTIONS:** The Certification Commission shall issue a call for volunteer nominations consistent with the need for new appointees. Self-nominations shall be accepted. All ACF Chapters will be solicited for nominations.

The Executive Committee of the Certification Commission shall select and appoint the Certification Commission members, consistent with the composition terms outlined in these policies. If the profiles of the nominees submitted don't fit the composition terms outlined in these policies, the Executive Committee shall seek other appointees.

At alternate summer Certification Commission meetings, the Certification Commission shall elect its Chair-Elect to take office in January of the following year. The elected Chair-Elect shall automatically assume the role of Chair after his or her Chair-Elect term is complete. The Chair shall automatically assume the immediate Past Chair role after his or her Chair term is complete.

**TERM LIMITS:** The Chair and Chair-Elect of the Certification Commission shall each serve a term of 2 years beginning on January of the next calendar year. The immediate Past Chair shall serve for two years with full voting rights, following his or her term as Chair. With the exception of those appointed as officers, each Certification Commission member shall serve a three-year term. Terms shall be staggered.

After a member serves a three year term on the Certification Commission (exclusive of Executive Committee service) they can, in writing, request to serve one additional three year term. The decision to offer an additional term will be determined by a majority vote of the Certification Commission Executive Committee.

The maximum length of service on the Certification Commission is 12 years, six years of Executive Committee service and six years of member service.

After a Certification Commission member or Executive Committee member reaches their maximum term of service there is a two year waiting period before they are eligible for reappointment.

**EXECUTIVE COMMITTEE:** The Executive Committee shall consist of the Commission Chair, Chair-Elect, and the Past Chair. The Executive Committee is responsible for any and all actions required of

the Commission between regularly scheduled meetings. These actions shall include review of notices of substantive changes, complaints against a certification standards or procedure or other occasions requiring interim actions.

Executive Committee meetings shall be held in person, or by audio or video conference.

The Chair shall preside at all meetings of the Certification Commission, shall see that orders and resolutions of the Commission are carried out, shall represent the Commission, and have primary responsibility for carrying out the functions of the Commission. The Chair-Elect shall have the authority to perform all of the duties of the Chair when the latter is unavailable or unable to perform them, and shall perform other tasks as delegated by the Chair. The Past Chair shall have the authority to perform all of the duties of the Chair when the Chair and Chair-Elect are unavailable or unable to perform them, and shall perform other tasks as delegated by the Chair.

**VACANCIES:** If the Chair vacates his or her position, the Chair-Elect shall assume the position and begin a new 2 year term, effective immediately. The Commission shall then elect a Chair-Elect to complete remaining term. The Past Chair shall be offered the opportunity to begin a new two-year term. If the offer is declined, the Commission shall appoint an interim member to the Executive Committee for the two-year term.

If a member of the Certification Commission vacates his or her position, the Executive Committee may, at its discretion, appoint a new member to complete the remainder of the vacated position's term.

**CERTIFICATION COMMISSION MEMBERS:** Responsibilities of the Certification Commission members include:

1. Attend Commission meetings and serve on subcommittees and/or in roles as requested by the Commission Chair and staff liaison.
2. Monitor and revise, as needed, policies, procedures and associated materials related to the ACF certification programs.
3. Approve the examination, pass/fail standard, appeal dispositions, and other essential certification decisions based upon its own determination or upon recommendations from its committees.
4. Exercise fiduciary duties to develop, implement, and monitor the ACF certification programs to ensure they are compliant with certification industry standards.
5. Serve as a sounding board for and respond to concerns and recommendations by certification candidates and certificants about the ACF certification processes.
6. Actively promote the ACF certification programs to relevant stakeholders.

**SUBCOMMITTEES:** The following are standing subcommittees of the Certification Commission.

With the exception of the Appeals Subcommittee, the Chairs of the following subcommittees will be Certification Commission members.

*Written Exam Subcommittee*

With guidance from ACF's psychometric consultant, the Written Exam Subcommittee will develop the certification exams and monitor their performance.

### *Practical Exam Operations Subcommittee*

With guidance from ACF's psychometric consultant, the Practical Exam Subcommittee will develop the practical certification exams, monitor their performance as well as oversee all aspects of the Practical Exam process.

### *Recertification Subcommittee*

The Certification Renewal Subcommittee will determine the requirements and standards necessary for recertification.

### *CMC/CMPC Subcommittee*

The CMC/CMPC Subcommittee develops and oversees the CMC and CMPC exam processes and policies and procedures. Changes to the CMC and CMPC exams will be made through a mutually inclusive approval process with the ACF Certification Commission.

### *Appeals Subcommittee*

The Appeals Subcommittee considers and makes determinations on appeals made by candidates or certificants. Appeals Committee members cannot simultaneously serve on exam subcommittees or the Certification Commission. The Chair of the Appeals subcommittee can not be a Certification Commission member.

### *Finance Subcommittee*

The Finance Subcommittee will be the steward of the long term financial goals and needs of the Certification Commission.

All subcommittees must have their own Policies and Procedures approved by the Certification Commission Executive Committee but will follow the same term structure and governance as the Certification Commission Policies & Procedures.

The Executive Committee has the discretion to reappoint subcommittee chairs as long as it coincides with the member's time on the commission. Subcommittee members can be reappointed for two three year terms to coincide with two terms on the Certification Commission.

Ad hoc subcommittees may be established and appointed as needed by the Certification Commission.

**MEMBER PARTICIPATION:** Commission members are expected to attend regular and/or conference call meetings of the Certification Commission in order to maintain the balance of representation needed to make commission decisions. Commission members are required to attend 75% of meetings within a 12-month period. If a Commission member does not meet this requirement he or she may be removed and asked to serve at a later time. In the event of this occurrence, the policy for filling vacancies will be followed.

**MEMBER REMOVAL:** An appointed member of the Certification Commission may be recommended for removal for any action that is determined by the Executive Committee to be detrimental to the best interests of the ACF certification programs. Removal of any member shall be by recommendation of the Executive Committee and by majority vote by the full Commission (except the member proposed for removal).

**STAFF LIAISON:** The ACF Director of Certification serves as the principal administrator of the Commission. Responsibilities include, but are not limited to, liaison between and among the Commissioners, the ACF, the various subcommittees, the institutions involved in the certification process, and the various entities, including government bodies, to which the Certification Commission must relate.

## C. COMMISSION PROCESSES

**QUORUM:** A quorum shall consist of a simple majority of the current membership. All decisions shall be by simple majority vote of the members present at a meeting, with the exception of the voting requirements needed for a change to this policy document as outlined under Amendments to Policies.

**VOTING MEANS:** Any action of Certification Commission which could be taken at a meeting may be taken upon the affirmative vote, by phone, or by electronic communication where all members can hear one another. With the exception of elections, all commission votes will be open, meaning the commission members will need to indentify their vote either in person, via phone or electronically. Only the results of the vote will be public record.

**ABSENTEE VOTING:** For elections only, absentee voting will be allowed. Absentee votes must be submitted to the national office certification department four business days prior to the date of the actual vote to be valid. In the event of a re-vote at the time of the actual vote, only those absentee votes which apply to candidates remaining will be valid.

**PARLIAMENTARY PROCEDURES:** On questions of parliamentary procedure not covered by these policies, Roberts' Rules of Order (latest edition) shall prevail.

**REGULAR MEETINGS:** There shall be at least two regular meetings per year. The Commission Chair shall select the time and place of each meeting and shall give 30 days written notice to Commission members.

**SPECIAL MEETINGS:** Special meetings shall be called by the Commission Chair or a majority of the commission. Notice of a meeting is given no less than 5 days before the meeting.

**OPEN MEETINGS:** Meetings of the Certification Commission and its subcommittees are open to the public for observation except when activities or discussions pertain to test content or items, standard setting, certification decisions, or other confidential matters involving applicants or certificants, appeals, or during an executive session called by the Chair.

**AMENDMENTS TO POLICIES:** The Certification Commission reserves the right to make changes in its fees, policies, and procedures at any time and shall make every effort to give advance notice when such changes are made.

At a minimum frequency of two years, the Executive Committee shall appoint a subcommittee of Commission members to conduct a review of Commission policies and recommend any additions or changes to the Commission. Changes to the policies must be approved by two-thirds vote of Certification Commission members voting at which a quorum exists.

## D. RESPONSIBILITY TO STAKEHOLDERS

**CONFIDENTIALITY:** The nature, format, content and results of examinations administered by the Certification Commission and all application materials are considered confidential information and shall be treated as such in accordance with policies and procedures adopted by the Certification Commission, unless appropriate permission is obtained or where otherwise mandated by valid and lawful court or government order or by an authorized administrative body.

All certification personnel (hired and contracted) and members of the Certification Commission and its subcommittees shall sign a confidentiality statement prior to service to the Commission.

The Certification Commission stores, processes, and uses data collected from application forms and test score reports. Data is stored only to the extent necessary for processing and validating applications/examination scores and in compliance with related record retention regulations. Under no circumstances shall individual data or test scores be shared with any entity outside of the Certification Commission and its testing consultants, unless permission is obtained from the candidate or certificant or unless otherwise required by law or by an authorized administrative body. Candidate test scores are not released by telephone or electronically, but only in written form as an official Certification Commission document. The Commission may develop and publish statistical data regarding the exams provided that the identities of the candidates are not divulged.

**CONFLICT OF INTEREST:** Each member of the Certification Commission and its subcommittees shall sign the Commission's conflict of interest statement prior to service to the Commission, and annually thereafter while service continues.

**NON-DISCRIMINATION:** The Certification Commission does not discriminate among applicants or certificants on any bases that would violate any applicable laws.

**REVIEW COURSES:** The Certification Commission neither sponsors, accredits, nor endorses review courses for its certification examinations.

**RECORD RETENTION POLICY:** ACF has established policies for retaining essential documents in a secure, accessible manner. All records will be maintained by the appropriate party (ACF National Office, testing company, etc.). Access to such information/records will be made available to appropriate parties and personnel on an as-needed basis at the discretion of the ACF National Office and the ACF Certification Commission.

The following documents will be retained indefinitely: database of current and previous certificants, examination development documentation, including practice analysis and cut-score studies, examination results, examination items (item bank), and active candidate and certificant files.

Certificant information will be retained for 7 years after certification expiration.

**USE OF THE CERTIFICATION TITLE AND INITIAL DESIGNATION:** All ACF logos, trademarks, certification marks and registered designations (hereinafter collectively referred to as the "Designations") are owned and controlled by the Certification Commission on behalf of the ACF. Use of an ACF Designation is granted by the ACF to qualified certificants as described below, who satisfy all applicable certification, application or eligibility requirements. Consistent with applicable law and corporate policies, the ACF will monitor all uses of its Designations to ensure that the Designations are used properly and correctly, as they represent the ACF to the public. The overall purpose of this

Policy and Procedure is to provide information, guidelines and requirements to the ACF Certificants, stakeholders and supporters regarding the proper use of the ACF Designations.

The ACF retains all ownership rights to its Designations. The ACF therefore reserves, and may use, the full range of legal remedies and certification-related sanctions available under applicable laws and corporate policies and procedures to protect its Designations. Infringement of any ACF Designation will be challenged. Inappropriate or incorrect uses of any ACF Designation may, therefore, be subject to organizational or legal action for Designation infringement and other claims if such uses are contrary to law or corporate policy, e.g., where a use creates a likelihood of confusion with the proper use any ACF Designation, without regard to the certification or approved status of the party involved.

Each certificant accepts and assumes all, and the sole, responsibility for understanding and satisfying legal requirements of ACF Designation usage, and any Procedure requirements of ACF Designation usage, including those requirements applying to the use, display and/or advertising of any ACF Designation. It is the responsibility of such certificant to ensure that the use of any ACF Designation on professional and business related materials (e.g., stationary, signs, business cards, flyers, chef coats, yellow page or other advertisements and marketing materials) is NOT in conflict with this Policy and Procedure, or with the laws of the nation, state or territory in which that individual or entity conducts business. The ACF assumes no responsibility concerning the application of such governmental and legal requirements pertaining to the use, display and/or advertising of any ACF Designation.

Only those authorized certificants can use the designations.

Use of any ACF Designation is subject to this Policy, and any other applicable resolution or requirement of the ACF Certification Commission.

**ADA COMPLIANCE POLICY:** The Certification Commission of the American Culinary Federation (ACF) provides reasonable accommodations in accordance with the Americans with Disabilities Act (ADA) for individuals with documented disabilities who demonstrate a need for accommodation. In accordance with the Americans with Disabilities Act, ACF does not discriminate against individuals with disabilities in providing access to its examination program.

ACF will provide, without cost to the candidate, reasonable accommodations designed to facilitate equal access to its certifying examinations for those candidates whose documentation supports such a determination. The purpose of documentation is to validate that an applicant for test accommodations is covered under the ADA as a disabled individual. Comprehensive information by a qualified professional is necessary to allow ACF to understand the nature and extent of the applicant's disability and the resulting functional impairment that limits access to its examinations. Documentation also allows ACF to provide appropriate accommodations for such a disability.

In no case will accommodations be provide which would compromise the examination's ability to test accurately the skills and knowledge it professes to measure. Similarly, no auxiliary aid or service will be provided that would fundamentally alter the examination. The ACF practical exam meets the exception as described in Section 36.309 of the ADA Regulations. In sum, a certification exam can require that a certain skill be demonstrated, if necessary to the performance of the profession that is the subject of the certification, even if an applicant's disability prevents the applicant from successfully demonstrating that skill. Thus, it is permissible under the ADA for ACF to institute a policy stating that successful completion of the practical cooking exam is an unequivocal prerequisite for chef certification.

ACF strictly adheres to a policy of confidentiality and does not disclose names of applicants with disabilities or information concerning the application or accompanying documentation. Arrangements for persons with disabilities will be provided upon approval. All requests for accommodations must be submitted by the applicant by completing the Request for Special Accommodation Form.

**APPEALS:** Candidates and certificants are entitled to appeal determinations made by the Certification Commission regarding 1) the Commission's interpretation of standards, including candidate eligibility determinations and certificant recertification determinations; 2) content of the exam and/or keyed responses to items, 3) alleged inappropriate exam administration procedures; and 4) alleged testing conditions severe enough to cause a major disruption of the examination process.

#### First Level Appeal

An appeal must be made in writing to the Certification Commission Appeals Subcommittee within 30 days of receiving the determination. The written appeal must include the stated appeal, the reason for the appeal (including relevant supporting materials), appellant's ACF identification number, and appellant's day phone number.

#### Appeal Review and Determination

The appeal shall be considered at the next regularly scheduled meeting of the Appeals Subcommittee or within 45 days, whichever comes first. The Subcommittee, with the assistance of staff, shall review the written record and may conduct an investigation into the facts through any reasonable means, including interviews. The confidentiality of the matter will be maintained unless otherwise required by law or upon advice of legal counsel. The decision of the Subcommittee may be made at an in-person meeting or by telephone or video conference and shall be based on majority vote of those Subcommittee members participating. The deliberation of the Subcommittee shall not include a hearing or any similar trial-type proceeding. The candidate or certificant is not permitted to address the Subcommittee in person or by telephone or video conference, unless approved by majority vote of the Subcommittee. The rules of evidence shall not apply and there shall be no witnesses, cross-examination, or other attributes of a trial. The Subcommittee Chair shall make all procedural decisions with advice from staff and/or legal counsel.

The Appeals Subcommittee staff liaison shall notify the Certification Commission and the appellant of the determination in writing within 14 days from the Appeals Subcommittee determination. The written summary of the Appeals Subcommittee determination will include the reason for the decision and also advise the candidate or certificant of the option of a second level appeal.

#### Appeal Determination Impacting Others

Should the Appeals Subcommittee grant an appeal on an issue that impacts the eligibility status or examination scores of other candidates, a review or regrading of all those potentially impacted shall automatically be conducted by the Certification Commission, which may take remedial action at its discretion. The Certification Commission staff liaison will notify the individuals affected by any such action.

#### Second Level Appeal

The appellant shall have 30 days from receipt of the Appeals Subcommittee determination to file a written appeal with the Certification Commission. The written appeal must include the stated appeal, the reason for the appeal (including relevant supporting materials), appellant's ACF identification number, and appellant's day phone number.

## Second Level Appeal Review and Determination

The appeal shall be considered at the next regularly scheduled meeting of the Certification Commission Executive Committee. The Executive Committee shall only review whether the determination of the Appeals Subcommittee was inappropriate because of 1) material errors of fact or 2) failure of the Appeals Subcommittee to conform to the published criteria, policies or procedures. Only facts leading up to and including the time of the Appeals Subcommittee determination shall be considered during an appeal. The appeal shall not include a hearing or any similar trial-type proceeding. The rules of evidence shall not apply and there shall be no witnesses, cross-examination, or other attributes of a trial. The Executive Committee shall make all procedural decisions with advice from staff and/or legal counsel. The Certification Commission Executive Committee's determination shall be final.

The Certification Commission staff liaison shall notify the appellant of the decision in writing within 14 days of the determination.

## ***ETHICS REVIEW AND DISCIPLINARY ACTION***

### Preamble

The ethics enforcement procedures are intended to permit a fair review of alleged violations of the ACF Certification Code of Professional Ethics or other egregious conduct in a manner that protects the rights of individuals while promoting understanding and ethical behavior. The Certification Commission has the authority to impose discipline, including removal of certification where appropriate, and to delegate such decisions to the Review Panel.

### 1. Complaint

A complaint that an ACF-certified culinary professional has allegedly violated the ACF Certification Code of Ethics must be submitted in writing to the Certification Commission Executive Committee. The complainant need not be a member of the American Culinary Federation or certified by the ACF.

The complaint must be in writing and contain details of the alleged activities; the basis for complainant's knowledge of these activities; names, addresses, and telephone numbers of all persons involved or who might have knowledge of the activities; and whether the complaint has been submitted to a court or an administrative body. The complaint must also cite the section(s) of the ACF Certification Code of Ethics allegedly violated. The complaint must be signed by the complainant(s). Anonymous complaints will not be accepted, but the Commission may self-initiate complaints based on any factual information.

### 2. Preliminary Review of Complaint

The Certification Commission Executive Committee and appropriate certification staff will review the complaint to determine if all the required information has been submitted by the complainant and whether the complaint is valid and actionable. The Executive Committee will not review frivolous or inconsequential matters, or any personal or commercial disputes; the conduct of the certificant is the sole factor for consideration.

If a complaint is made regarding an alleged violation of the ACF Certification Code of Ethics or other actionable conduct and a similar complaint is already under consideration regarding the same individual by a state licensure board of examiners, an administrative body, law enforcement authorities, or a court of law, the Certification Commission Executive Committee will generally not process the complaint until a final determination has been issued.

### 3. Response

If it is determined that the complaint is valid and actionable, the Chair of the Certification Commission or its certification staff liaison will notify the respondent (person against whom the complaint is made) and that individual's employer, if applicable, that a complaint has been made and that a Review Panel will be established to investigate and reach a determination. The complainant shall also be notified that the complaint is being reviewed, but the complainant is not notified of the results unless the complaint is dismissed or public disciplinary action is taken.

The notices will be sent from the staff via certified mail, return-receipt requested or other verifiable means of delivery. The respondent will be sent a summary of the complaint, the ACF Certification Code of Ethics, a copy of these procedures, and a response form.

The respondent will have thirty (30) days from receipt of the notification in which to submit a written response. The response must be signed by the respondent.

If the Certification Commission Executive Committee does not receive a response, the Commission Chair or his/her designee will attempt to contact the respondent by telephone. If contact with the respondent is still not made, a written notice will be sent. Failure to reach the respondent will not prevent a Review Panel from proceeding with the investigation or reaching a decision.

### 4. Review Panel

The Certification Commission Executive Committee shall appoint a Review Panel of at least five individuals who may or may not be members of the Commission, including one member to represent each of the four ACF regions and one member to represent the public interest. The Commission shall also appoint one of the Review Panel members to serve as Chair. No one with a conflict of interest shall participate in any matter addressed by the Review Panel.

This Review Panel is charged with investigating and making an appropriate determination with respect to valid and actionable complaints. At least two members of the Review Panel will handle the investigation and make a recommendation to the full Panel for action; those investigators will not vote on the determination. The Panel may be assisted in the conduct of its investigation by staff or legal counsel. The Certification Commission Chair exercises general supervision over all investigations.

Both the individual submitting the complaint and the certificant who is the subject of the investigation (or his or her employer) may be contacted for additional information with respect to the complaint. The Panel may at its discretion contact other individuals who may have knowledge of the facts and circumstances surrounding the complaint. The Panel may also use experts to assist it in reviewing the complaint, response and determining further action.

The confidentiality of the matter will be maintained unless otherwise required by law or upon advice of legal counsel. The decision of the Panel may be made at an in-person meeting or by telephone or video conference and shall be based on majority vote of those Panel members participating. The deliberation of the Panel shall not include a hearing or any similar trial-type proceeding. The certificant is not permitted to address the Panel in person or by telephone or video conference, unless approved by majority vote of the Panel. The rules of evidence shall not apply and there shall be no witnesses, cross-examination, or other attributes of a trial. The Panel Chair shall make all procedural decisions with advice from staff and/or legal counsel. It is not expected that the certificant will be represented by counsel, although the Panel may permit counsel to participate in the process in accordance with guidelines established by the Panel Chair.

### 5. Determination of Violation

Upon completion of the investigation, the Review Panel determines whether there has been a violation of the ACF Certification Code of Ethics or whether the certificant has engaged in other grossly negligent or illegal conduct relevant to the culinary profession, or violated other substantive requirements of the certification process (such as submission of false or misleading information to ACF). The Panel also decides on the imposition of an appropriate sanction, including but not limited to the following:

*Censure:* A written reprimand expressing disapproval of conduct. It carries no loss of certification status, but may result in removal from office at the national and local levels and from committee membership. Censure may be public or private.

*Counseling/Probation:* A directive to allow for correction of behavior specified in complaint. It may include mandatory participation in remedial programs. Failure to successfully complete these programs may result in other disciplinary action being taken. It carries no loss of certification status. Counseling/probation may be public or private.

*Suspension:* Temporary loss of certification and all benefits and privileges for a specified time. At the end of the specified suspension period, certification benefits and privileges are automatically restored. Suspension is a public action.

*Revocation of Certification:* Loss of certification; loss of all benefits and privileges. Upon revocation, the former certificant shall return the certification identification card and certificate to the Certification Commission for the American Culinary Federation. Specified time for reapplication to be decided on a case-by-case basis, but, at minimum, current recertification requirements would need to be met. A credential will not be re-issued until the Certification Commission determines that the reasons for revocation have been removed. Revocation is a public action.

The Panel staff liaison shall notify the Certification Commission Executive Committee and the certificant of the determination in writing within 14 days from the determination. The written summary of the Panel's determination will include the reason for the decision and also advise the certificant of the option for an appeal. The Panel may advise any other licensing, law enforcement, or other body of final action if the Panel believes health or safety of the public is at issue (but only after the time for appeal has run or upon the final determination on appeal).

#### 6. Appeal to Certification Commission

The certificant shall have thirty (30) days from receipt of the Panel's determination to appeal to the Certification Commission. The written appeal must include the stated appeal, the reason for the appeal (including relevant supporting materials), appellant's ACF identification number, and appellant's day phone number. If there is an appeal to the Certification Commission, the Review Panel determination report is prepared under the supervision of the Chair and is presented by a representative of the Review Panel to the Certification Commission along with a record of the Panel's investigation.

The Certification Commission Executive Committee reviews the decision of Review Panel. The Commission's review and determination are based entirely on the written record and the presentation by the representative of the Review Panel. The Commission shall only review whether the determination of the Review Panel was inappropriate because of 1) material errors of fact or 2) failure of the Panel to conform to the published criteria, policies, or procedures. Only facts leading up to and including the time of the Panel's determination shall be considered during an appeal. The appeal shall not include a hearing or any similar trial-type proceeding. The Commission may accept,

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reject, or modify the Panel's determination, either with respect to the determination of a violation or the recommended sanction to be imposed. The Executive Committee will render a written determination, specifying the reasons for its decision, if applicable, and citing any provision(s) of the ACF Certification Code of Ethics that may have been violated or other conduct that has resulted in disciplinary action. The written determination will be communicated within 14 days of the Commission's decision to the certificant and to the certificant's employer, if applicable.

#### 7. Confidentiality Procedures

The procedures have been developed to protect the confidentiality of both the complainant and the respondent in the investigation of a complaint of an alleged violation of the ACF Certification Code of Ethics. The need for confidentiality will be stressed in communications with all parties.

#### 8. Resignation

If the certificant resigns membership in ACF or certification, the Commission may retain jurisdiction to take any appropriate disciplinary action at its discretion.

***CERTIFICATION, ASSESSMENT AND TEST DEVELOPMENT POLICIES:*** After certification program accreditation, all candidates must meet the certification requirements as outlined in candidate manuals and that exceptions and waivers to these requirements are not allowed.

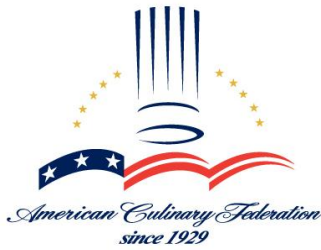
As the culinary field is generally consistent in the knowledge and skills required and not directly related to quick changing technological processes, a job analysis will be completed every five to seven years for based on the discretion of the Certification Commission.

Written exam item statistics will be reviewed on an annual basis. Items with a passing percentage of under 30% or over 90%, or items with distractors selected "0" times will be reviewed by the Written Exam Subcommittee Chair and two other members of the Written Exam Subcommittee. Items may be replaced if deemed necessary or retained if determined valid. The Written Exam Subcommittee can, on its discretion, review test items and revise if there has been a change in standards listed in recommended reference materials.

Practical exam statistics will be reviewed on an annual basis and monitored for significant changes in the pass/fail rates of candidates. Exam elements will be reviewed annually if deemed necessary by the Certification Commission Executive Committee but at a minimum the exam will be reviewed every five to seven years to coincide with the time table for updating the credential job analysis.

The recertification policies will be reviewed a minimum of every two years. If deemed necessary by the Certification Commission Executive Committee, this review may happen more frequently.

***MILITARY DEPLOYMENT EXTENSION:*** Military personnel on operation/combat deployment will be granted an extension of all certification/recertification requirements and continuing education hours for the length of deployment. Military orders will be required and requests may be subject to review and approval by the Executive Committee.



## Conflict of Interest and Confidentiality Agreement

As a member of the ACF Certification Commission, one of its sub-committees, or a contributor to its activities, I agree to the following terms:

1. I will not disclose or cause to be disclosed to anyone outside of the Certification Commission, its sub-committees, or hired or contracted personnel any confidential information related to any candidate or certificant; information about examination results that is discovered through participation in Certification Commission activities; Certification Commission decisions and actions related to such applications (including disciplinary actions); Certification Commission finances; and other related information. This obligation shall apply at all times and in any circumstance, unless otherwise directed by the Certification Commission or required by law, and shall survive after my term or involvement expires.
2. I will keep all such confidential information in my possession a safe and secure place, and will take all reasonable steps to protect against inadvertent disclosure or theft of the information. If I discover a breach of security, I will immediately contact the certification manager and relay complete and detailed information regarding the incident.
3. Upon expiration of term with the Certification Commission or one of its sub-committees or upon ending my involvement with other Commission activities, I will promptly return to the staff the confidential information received or acquired relating to the certification programs.
4. I assign to the Certification Commission all right, title, and interest in any information or material developed, conceived, modified, or created relating to the certification program.
5. I agree not to engage in actions that may constitute an actual, apparent, or potential conflict of interest with the mission and activities of the Certification Commission and will disclose to the Certification Commission any such conflicts of interest and any business, financial, personal, and organizational interests and affiliations that are or could be construed to be a conflict of interest. I further agree to recuse myself from participation and deliberation on any matter for which I have any significant conflict of interest and agree that the Certification Commission has the ultimate authority to make decisions regarding conflicts of interest and recusal from deliberation or voting.
6. I will not in a false, misleading, or deceptive manner reference participation in the Certification Commission's activities.
7. I will not, for a period of at least two years, be directly involved in any preparation or delivery of exam preparation information beyond what the ACF Certification Commission shares with the general public (i.e., that which would be considered "insider knowledge"). This statement does not preclude the normal faculty activities of academic instruction.

*By signing this form, I hereby agree that I have read and agree to the terms listed above.*

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_