

**REGION VI SPRING CRC MOTIONS**  
**Last revised: 07/23/2020**

**Minnesota Chapter – Motion 36 (06/25/2019):**

That the Society create a standard Chapter Climate Change Committee for climate change education, research and policy work.

**Answer:** The above motion was referred to Technology Council for consideration. Technology Council reviewed this request and has determined that there are already existing PCs and TCs that address sustainability, resilience, and climate change. The Council will continue to work to improving cross-committee communication, including with GAC, for dissemination as appropriate at the grassroots level. The Council also determined that perhaps this would be best handled by GAC or CTTC (perhaps through the DL Program). **(Complete)**

**Minnesota Chapter – Motion 37 (06/25/2019):**

That Society cross reference the membership list when generating the RP Donor list.

**Answer:** The above motion was referred to RP Staff. RP Staff assumes this motion refers to the report available to RP volunteers to identify past donors in their assigned chapter, the “10 Year History Report.” The report pulls directly from the membership database, and identifies if donors are deceased or are marked “do not solicit,” as long as ASHRAE knows that information. Staff illustrates how to read the reports during training and via online videos. Also, staff encourages volunteers to contact them with news of deceased members or those who have asked to not be solicited so their records can be updated.

This report does not identify membership status, but there are other giving reports that do. Many donors to the RP Campaign are organizations or individuals who are not ASHRAE members. Additionally, a donor may have let their membership lapse at any given point but still want to support RP. If volunteers receive a poor response from lapsed members, staff needs to know. **(Complete)**

**Madison Chapter – 2019 CRC Motion 3:**

That Members Council lower the number of Nominating Committee members from 5 to “a minimum of 3” for all Chapters, effective for the 2019/2020 chapter calendar.

**Answer:** This motion was referred to the Members Council Region Operations Subcommittee. The following amended motion was approved by Members Council: That the number of Nominating Committee members be lowered ~~ed the number of Nominating Committee members from 5~~ to “a minimum of 3” for all Chapters, effective for the ~~2019/2020 chapter calendar~~ 2020-2021 Society year. **(Complete)**

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**La Crosse Area Chapter – 2018 CRC Motion 1:**

That the Region VI DRC make the following motion at the next Board of Directors meeting at which he has the opportunity: That the Board of Directors initiate a referendum to amend the ASHRAE BYLAWS as follows:

**Section 3.3 Voting.** At any annual, winter, or special meeting, each voting member, as defined in Section 2.11, shall be entitled to one vote, which may be cast in person or by proxy. A proxy shall not be valid longer than three months from its date of execution.

Nominations shall be put forward by the Nominating Committee as hereinafter provided in Section 7.6.

Nominations may also be made in writing by not fewer than ~~five~~ one percent of the members eligible to vote, with no more than 40% of those members from any one region. Upon presentation of such nominations to the Secretary with each nominee's written consent, not less than one hundred twenty days prior to the first session of the annual meeting, the nominees' names shall be placed upon the ballot. A notation on the ballot shall indicate that such nominees are presented by members independent of the Nominating Committee.



**Answer:** Members Council approved the following motion for the Board of Directors approval:

**Section 3.3 Voting.** At any annual, winter, or special meeting, each voting member, as defined in Section 2.11, shall be entitled to one vote, which may be cast in person or by proxy. A proxy shall not be valid longer than three months from its date of execution.

Nominations shall be put forward by the Nominating Committee as hereinafter provided in Section 7.6.

Nominations may also be made in writing by not fewer than ~~five~~ one percent of ASHRAE members in good standing. The minimum number of members required shall be based on the membership roster of the first day of that Society year. No more than 10% of the signatures shall be from one chapter and no more than 30% shall be from one region. ~~members eligible to vote.~~ Upon presentation of such nominations to the Secretary with each nominee's written consent, not less than one hundred twenty days prior to the first session of the annual meeting, the nominees' names shall be placed upon the ballot. A notation on the ballot shall indicate that such nominees are presented by members independent of the Nominating Committee. **(Complete)**

**Iowa Chapter – Motion 26 (06/26/2018):**

That the Honors and Awards Tally Sheets for Chapter Service Award and Regional Award of Merit are revised. The current form utilizes a Word document and the scoring structure provides some gray areas. A revised document that provides more automation and provides grace for active members prior to the time biographies were maintained.

**Answer:** Members Council was not in favor of this motion. The tally forms for the Chapter Service Award and Regional Award of Merit belong to Members Council and reside in the Manual for Chapter Operations (MCO). Members Council approved an automated process that is currently available in the database to calculate chapter and regional positions for these awards. Staff will include the awards calculation information in email communications to the chapters. **(Complete)**

**Iowa Chapter – Motion 27 (06/26/2018):**

That Regions who host CRCs, the Delegate and Alternate from those chapters are comprised of the Delegate and Alternate listed on the current year's CIQ.

**Answer:** Members Council was not in favor of this motion. The spring CRCs should be set up in the same way as the fall CRCs. The incoming delegate and alternate of the fall CRCs receive training for the new society year. If the current spring delegate and alternate receives the training, they would only have two-three months left in their term. If both the current and incoming delegates and alternates attend their regions' CRC, only one delegate and one alternate would be reimbursed transportation. Incoming chapter committee chairs who have spring CRCs also receives training for the next Society year. **(Complete)**

***The following motion from Region VI (Illinois Chapter) was divided into four parts as shown below:***  
**Part 1 of 4 – Records of Minutes; Part 2 of 4 – Master List of Potential Nominees; Part 3 of 4 – Disposition of Executive Session Minutes; and Part 4 of 4 Restriction on Attendees.**

**Illinois Chapter – Motion 4 (11/3/2017) – Part 1 of 4:**

That the Rules of the Board Section 2.104.008 regarding the nature of any ASHRAE meetings held under the guise of "Executive Session" be modified as follows:

**2.104.8 Executive Session (13-06-23-21)**

When there is a discussion of an issue of sensitive proprietary, or personal nature, executive session may be entered where attendance is restricted to members of the body and those invited by the chair.

Executive session may be declared by the chair or by a motion approved by a majority vote.



2.104.81 Records or Minutes

Records or Minutes shall be kept of all meetings held in Executive Session. The recordings shall note the topic of discussion and if regarding a person, their name, statements considered to be in favor and statements considered to be opposed of the topic being discussed without identifying the commenter.

**Answer:** This motion was approved by Members Council and will be referred to the Society Rules Committee for review; it will then go to the ASHRAE Board of Directors for vote. **(Complete)**

**Illinois Chapter – 2017 CRC Motion 1.2 – Part 2 of 4 / Motion 33 (06/25/2019):**

That the Rules of the Board Section 2.104.008 regarding the nature of any ASHRAE meetings held under the guise of “Executive Session” be modified as follows:

2.104.8.1 Master List of Potential Nominees

Committees engaged in the process of determining candidates for ASHRAE offices, shall have access to information containing separate records of potential nominees from previous unsuccessful nominated positions that are carried over from the previous three years. Candidates shall be referred to only by name for the nominated position.

**Status:** Part 2 of 4 of this motion was referred to the Planning Subcommittee Nominating Ad Hoc Committee and later referred to the Nominating Presidential Ad Hoc Committee for comments. This motion is postponed until the 2019 Winter Conference in Atlanta. **(Open)**

**Answer:** Members Council was not in favor of this motion. A similar motion was approved by the Nominating Ad Hoc Committee but was later defeated by the full Nominating Committee during the 2018 Annual Meeting in Houston. **(Complete)**

**Illinois Chapter – Motion 5 (11/3/2017) – Part 3 of 4:**

That the Rules of the Board Section 2.104.008 regarding the nature of any ASHRAE meetings held under the guise of “Executive Session” be modified as follows:

2.104.8.1 Disposition of Executive Session Minutes

Executive Session Minutes shall be maintained by the Committee in question in a format transportable to all meetings of the Committee. Minutes considered to be a “Master List of Potential Nominees” shall be distributed to the Committee considering candidates for nomination prior to their first scheduled meeting. Minutes of Executive Session meetings may be opened for inspection at a meeting of the Committee by a motion approved by simple majority of the committee.

**Answer:** Members Council was not in favor of this motion. Executive Session minutes are restricted to those who are present during the Executive Session meeting and are not disclosed with person outside of that meeting. **(Complete)**

**Illinois Chapter – 2017 CRC Motion 1.4 – Part 4 of 4:**

That the Rules of the Board Section 2.104.008 regarding the nature of any ASHRAE meetings held under the guise of “Executive Session” be modified as follows:

2.104.8.1 Restriction on Attendees

Discussions regarding any potential ethical or other issues shall be limited at the start to a committee Chairman, President or President-Elect and the complainant. There shall be no group discussions at any Society committee and management levels of any allegations against a member of the Society both formally and informally without the member being discussed in attendance and given advanced knowledge of the alleged charge and incident for discussion. The member being charged shall always have the right to face their accuser(s)/complainant, and a documented list of allegations.

In the case of Executive Session meetings that are of a personal or disciplinary nature, only those



members elected to the Committee shall be in attendance. Chair invited attendees shall be limited to those materially affected by the discussion or legal counsel. The subject (person) of the discussion shall be in attendance, and shall be made aware of the session subject of discussion at least 24 hours in advance of meeting, or at a time to minimize their inconvenience. When legal counsel is engaged for the committee calling the Executive Session, ASHRAE shall engage acceptable legal counsel for the subject under discussion and pay all fees and travel expenses.

**Status:** Part 4 of 4 this motion was referred to the Planning Subcommittee Ethics Ad Hoc Committee and later referred to the Presidential Ethics Enforcement Procedures Task Group. This motion is postponed until the 2018 Annual Conference in Houston.

**Answer:** A report from the Ethics Enforcement Procedures Task Group was submitted to the Board of Directors for approval during the June 2018 annual conference in Houston. **(Complete)**

**Illinois Chapter – Motion 7 (11/3/2017):**

That the Rules of the Board, Volume 2, Paragraph 2.200.001.4 be amended as follows:

2.200.001.4 (90-02-14-10)  
The approved number of Directors-at-Large is ~~nine (9)~~ five (5).

**Answer:** Members Council was not in favor of this motion. DALs do a lot of work and are needed to run the technical side of ASHRAE. **(Complete)**

**Illinois Chapter – 2017 CRC Motion 2 / Motion 34 (06/25/2019):**

That the Rules of the Board, Volume 2, Paragraph 2.415, Nominating Committee, be amended as follows:

2.415 NOMINATING COMMITTEE  
2.415.002 MEMBERSHIP  
2.415.002.1 Composition (16-06-29-32/86-06-22-16/91-06-23-01/94-01-23-01/99-06-20-11/01-01-28-01/10-01-24-02/13-01-27-01)

- A. This committee shall consist of at least ~~twenty-two (22)~~ twenty-one (21) voting members, including a chair and vice chair. (SBL 7.6)  
[NOTE: Number determined as follows 13 Numbered Regions, Region-At-Large, Region XIV, 4 BOD elected members and Committee Chair and Vice Chair.]
- B. There shall be one voting member one non-voting alternate from each region of the Society, selected by the Chapters Regional Committee of each respective region, and ~~8-4~~ voting members and ~~8-4~~ non-voting alternates selected by the Board of Directors. (2.434.002SBL 7.6).

**Status:** This motion was referred to the Planning Subcommittee Nominating Ad Hoc Committee and later referred to the Nominating Presidential Ad Hoc Committee for comments. This motion is postponed until the 2019 Winter Conference in Atlanta. **(Open)**

**Answer:** Members Council was not in favor of this motion. The above motion was discussed by the Nominating Ad Hoc who believed that a change should not be made at this time. **(Complete)**

**Illinois Chapter – 2017 CRC Motion 4:**

That the Rules of the Board Paragraph 3.980; “Enforcement Procedures” be amended as follows: 3.980 Enforcement Procedures for Violation of the ASHRAE Code of Ethics and Other Disciplinary Matters (07-01-31-17). **(See Attachment B for full Motion)**

**Status:** This motion was referred to the Planning Subcommittee Ethics Ad Hoc Committee and later referred to the Presidential Ethics Enforcement Procedures Task Group. This motion is postponed until the 2018 Annual Conference in Houston.



**Answer: Attachment B1** was approved by the ASHRAE Board of Directors in response to the Enforcement Procedures for Violation of the ASHRAE Code of Ethics. **(Complete)**

**Illinois Chapter – Motion 25 (06/27/2017):**

That Society Student Activities Committee research annual grade school or high school competitions that inspire and attract students to the art and science of HVAC&R and select one to partner with as a Society.

**Answer:** This motion was referred to the Student Activities Committee for consideration. The committee was not in favor of this motion. The motion requests the Student Activities committee to research K12 competitions that ASHRAE could partner with. The background information recognizes that the Student Activities Committee is partnering with DiscoverE and Solar Decathlon. In addition to these, we also have existing partnerships with Future City competition that is consistent with the motion request. The Student Activities Committee works with Race to Zero and more recently have begun working with STEM Scouts. To provide the necessary attention to our new partnership with STEM Scouts, we respectfully ask that the additional work associated with researching new areas for ASHRAE involvement be clarified in terms of suggested organizations that the Illinois Chapter may have in mind. If a proposed partner organization had synergy with ASHRAE mission, we would happily consider the opportunity to increase ASHRAE's brand awareness in K12/STEM. At this time, the K12/STEM subcommittee has some concern that additional partner organizations beyond our current scope will tax Student Activities Committee volunteer and staff resources and thus we recommend that the motion be defeated. **(Complete)**

**Illinois Chapter – Motion 26 (06/27/2017):**

That the Society Student Activities Committee develop a toolkit for chapters to provide best practice instruction on how to sponsor local events that promote STEM activities.

**Answer:** Members Council was not in favor of this motion. This information already exists on the Student Zone website. **(Complete)**

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**Madison Chapter – 2014 CRC Motion 2:**

That Society provide a well-defined and easily accessed map on the ASHRAE website that defines clear chapter boundaries.

**Answer:** This CRC motion was referred to staff. Staff will continue to work on improvements to the membership database with the inclusion of CRC Motion 2 from the Madison Chapter. Strides have been taken to identify boundaries using the available technology by identifying zip codes, cities and counties of each ASHRAE chapter. **(Complete)**

**Iowa Chapter – Motion 17 (07/01/2014):**

That ASHRAE Society shall publish the latest research proposal evaluation criteria and/or guidelines on the public website for easy reference starting July 1, 2014.

**Answer:** This motion was referred to Technology Council. **See Attachment A2.** ASHRAE has been using the "Best Value to ASHRAE" criteria and the "\$/point" metric to select research contractors since May 2006 (See attached project analysis sheet from that period). This is not an undocumented/un-posted process that ASHRAE recently implemented as the referral claims. The analysis sheet information and the text below is also included in the "Research Manual," which is always posted on the "Research Page" of the ASHRAE website.

**6.1 Evaluation of Solicited Proposals**

Following the deadline for receipt of proposals, the Manager of Research and Technical Services (MORTS) records certain salient information about each response and forwards copies of all proposals received to members of the Proposal Evaluation Subcommittee (PES), the TC Chair (or Chair of TG, MTG



w/research authority, SSPC, or other committee authorized to sponsor research), and the appropriate Research Liaison.

Evaluation Criteria

The PES uses evaluation criteria and weighting factors as specified in the Work Statement (WS) and applies them to compare the proposals received. Typically, the Evaluation Criteria include “Performance of Contractor on Prior ASHRAE or Other Projects.” The MORTS provides the PES with information on performance, including unsatisfactory performance, on previous ASHRAE research projects. A bidder who did not have a prior ASHRAE research project should not be penalized in the evaluation process, i.e., his/her proposal should receive the maximum score for this evaluation criterion.

After discussion and evaluation, each PES member completes the Proposal Evaluation Form (PEF) based on his/her personal preference. Together the PES completes the Summary Sheet for Reporting Evaluations of Proposals. The summary of the scores from all PES members must be reported on the Summary Sheet for Reporting Evaluations of Proposals. The criteria for proposal selection are:

1. By default, select the proposal with the lowest cost that was responsive (i.e., an average score of 70 points or higher),

**OR**

2. Select the proposal that the PES feels is the best value when ALL the criteria below are also satisfied:
- a. The proposal has the lowest cost to CRC per point (using average score) among all responsive proposals
  - b. The average proposal score is 5 points higher than the score for the lowest-cost responsive proposal
  - c. The proposal was scored higher than the lowest-cost responsive proposal by at least 2/3 of PES members
  - d. The PES members feel selection of the higher cost proposal is justified and provide a written explanation of their reasons.

In addition, the “Additional Information for Bidders” form that all bidders must sign and submit with their proposal includes the following text:

CRC’s proposal evaluation committee will make the primary recommendation regarding the selection of a contractor. While bidders may be given some information on their and competitors’ scores, CRC is not obligated to do so and will not become involved in negotiating, explaining or defending the decisions made. **(Complete)**

**Madison Chapter – Motion 18 (07/01/2014):**

That ASHRAE allow local chapter scholarship and awards committee involvement in the scholarship committee when ASHRAE Society coordinates the scholarship.

**Answer:** This motion was referred to the Scholarship Trustees. **See Attachment A3. (Complete)**

**Madison Chapter – Motion 19 (-7/01/2014):**

That ASHRAE allow local chapter scholarship and awards committee final approval of local scholarship recipient of ASHRAE chapter endowed scholarships. All chapters that are affected by the scholarship will be notified of the award

**Answer:** This motion was referred to the Scholarship Trustees. **See Attachment A3. (Complete)**

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**Illinois Chapter – Motion 18 (06/25/2013):**

That headquarters staff create a portal for chapter websites that would allow a member to access and





update their membership information without having to re-navigate the ASHRAE website.

**Answer:** This motion was not approved but the action items listed below were assigned to staff for implementation. **(Complete)**

- Staff to provide instructions and procedures on how to renew an individual membership along with the [www.ashrae.org/renew](http://www.ashrae.org/renew) web link that reads "renew your Society membership here."
- Staff to send an email blast to the chapters letting them know that the "renew your membership" web link and instructions are available.

**Illinois Chapter – Motion 19 (06/25/2013):**

That the ASHRAE Logo Policy be amended to allow ASHRAE Certified Professional use of an "ASHRAE Certified Professional" logo on Personal Employment/Company Business Cards/Resumes" be approved.

**Answer:** This motion was approved by Members Council and the ASHRAE Board of Directors.

**(Complete)**

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**Illinois Chapter – Motion 2.1 (05/23/2012):**

That a position supporting the application and use of site energy consumption be sued as the basis of ASHRAE Technical Policy.

**Answer:** This motion was referred to Technology Council. In Dallas, the BOD referred to the three councils the Site-Source Ad Hoc Committee Report for their consideration and that the repository will be in Technology Council. At the request of ExCom, a disclaimer was written and approved by the Board during its conference call on February 26. Technology Council compiled a document "Site – Source Presidential Ad Hoc Committee Report and Collected Comments on the Report" that was submitted to the Council Chairs on April 10 with a request that staff liaisons distribute it to the Councils. Currently, the information is available under the Councils website <https://www.ashrae.org/society-groups/councils#tech>.

Technology Council considers its response complete and that this item is closed. **(Complete)**

**Illinois Chapter – Motion 2.2 (05/23/2012):**

That any position paper regarding the use of site and source energy be approved for publication by a vote of the membership of Society. The society shall publish supporting arguments from advocates of site and source energy positions for the consideration of the voting members.

**Answer:** This motion was referred to Technology Council. ASHRAE commissioned an expert group to develop a paper on the appropriate uses of site and source energy for evaluating energy consumption. That document, "Site - Source Presidential Ad Hoc Committee Report, Use of Site Energy, Energy Cost, and Source Energy in ASHRAE Products, June 24, 2012" was submitted and subjected to an internal review by ASHRAE. The Board of Directors did not establish a specific policy on this complex issue based on this report. The document may only be obtained or distributed with the permission of the Director of Technology (DOT@ashrae.org). The subject matter is a challenging one with many affected parties and no single solution apparent. ASHRAE will continue to address it as needs arise and information changes. Technology Council considers its response complete and that this item is closed. **(Complete)**

**St. Louis Chapter – Motion 5 (05/23/2012):**

That Society create an additional database field for each member that is editable by the local chapter. This field will allow the chapters to help track members that pay their dues locally to the chapter.

**Answer:** This motion was approved and has been implemented by staff. **(Complete)**



**Minnesota Chapter – Motion 6 (-5/23/2012):**

That Chapters be able to purchase wooden Research Promotion plaques to give away or sell to their chapter members who are regular or good donors.

**Answer:** This motion was referred to the RP Committee. The RP Committee did not agree with the motion. The committee feels that selling items for less than the donation required to be given the recognition item would render the current Recognition Program pointless. The committee will give vendor names to chapters who request the information so they may investigate the production of their own unique recognition items. Staff will continue the policy of giving additional or replacement recognition items to donors upon request. **(Complete)**

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**Madison Chapter – Motion 7.1 (06/27/2011):**

That Society revise their online application and renewal process for new and transferred members choosing their Chapter affiliation.

**Answer:** This motion was approved. **(Complete)**

**Madison Chapter – Motion 7.2 (06/27/2011):**

That Society revise the Web Policy for ASHRAE Groups (June 2005), Item 8, Commercialism, to remove the limitation to business card type advertising per 8.3 and remove the requirement that advertising needs to be in a separate section per 8.3.4.

**Answer:** This motion was referred to Publishing and Education Council (PEC) for the Electronics Communications Committee (ECC). PEC asked the ECC to consider what guidance could be provided on advertising on chapter websites. The ECC reported some chapters want to use advertising to pay for website hosting and to purchase software for the registration and payments of chapter meetings. Although the request represents no fundamental technical problem as stated is very broad with possible financial and commercialism impacts as yet not known.

ECC recommended PEC request Members Council provide ECC with specific functional requirements and parameters of advertising on chapter websites to assist in the development of a change to the ASHRAE Website Policy. For further consideration, please provide ECC with the information needed to begin the process of developing a policy that would meet the needs of the Madison Chapter and membership at large.

In order to move forward, staff has asked the Madison Chapter to provide the information needed for further consideration so that ECC can begin the process of developing a policy. The motion will be closed for now and re-presented by the chapter along with the information required. **(Complete)**

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**Minnesota Chapter – Motion 6 (06/28/2010):**

That Society change the database and/or procedures to allow co-chairs to be entered in the Chapter Information Questionnaire (CIQ), instead of the current procedure that only allows one chair for each chapter committee to be entered in the CIQ.

**Answer:** This motion was withdrawn. **(Complete)**

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**St. Louis Chapter – Motion 4 (06/22/2009):**

That when Society collects Chapter Dues for each month they send the payment to the Chapter by no later than the 5<sup>th</sup> of the month following.

**Answer:** Members Council was not in favor of this motion (see information below). Our policy is to send





payment of Chapter checks out by the 15<sup>th</sup> of the following month. **(Complete)**

The last four checks for St. Louis Chapter were processed as follows:

<u>Chapter Dues Collected</u>	<u>Check Printed</u>
December 08	01/15/2009
January 09	02/10/2009
February 09	03/11/2009
March 09	04/15/2009

The checks are mailed the following day after they are printed. There are no reports of any checks received two months late. The check for April cleared ASHRAE's bank on 04/23/2009.

**La Crosse Area Chapter – Motion 5 (06/22/2009):**

That CIQ report database entry speed be increased and reporting process streamlined.

**Answer:** Members Council was not in favor of this motion. The value of having a spreadsheet in Excel is to have the ability to manipulate the data after the online entries are in. These reports are used by staff, DRCs, CRCs and for PAOE points. If a chapter chooses not to run the report after completing their CIQ, we lose communication with the chapter. We use the report to ensure that the entries are correct or to notify the chapter if there are errors such as duplicate positions, wrong dates, etc. Since the implementation of the online CIQ, we have by trial and error tried to reduce the amount of work we have asked the volunteers to do in reporting their incoming chapter positions. We have also reduced the number of errors that were caused by chapters typing over live historical data by making the CIQ a read only record after the information is entered. Staff does not run the CIQ report each day for each chapter to see if this information has been entered. Periodic updates are done and an email is sent out to remind chapters their CIQs are needed. All chapter reports including the CIQ are run in the NetForum database system and these reports are instantaneous. The CIQ has been so streamlined that it only takes a few steps to complete a position after an individual logs on to the website: member number, position and the dates. Unlike the old CIQ form that needed: member number, name, company, address, phone numbers, email address which were all typed in manually. **(Complete)**

**La Crosse Area Chapter – Motion 6 (06/22/2009):**

That the HVAC&R Research Journal be made available to chapters for online subscription in addition to the current method of individual membership subscriptions beginning Society year 2009-2010.

**Answer:** Members Council was not in favor of this motion. HVAC&R Research is a subscription based publication available in print and online editions. The print edition (with online access included) has different subscription prices for members, nonmembers, and libraries (that provide shared access). The online only edition is \$59 for all subscription levels and access is password protected. Only the issues when current are available with online access. This proposal would require the public sharing of passwords which is generally frowned upon in web business models. There are currently less than 100 online only subscribers so from a business model perspective, how likely would it be that chapters would be willing to purchase subscriptions? Would a charge for access that could be shared be considered a benefit or would having a charge be considered charging for something that should be made available for free? **(Complete)**

**Illinois Chapter – Motion 36 (10/25/2008):**

That Rules of the Board, Volume 3, Sections 3.300.003, A.2 and 3.300.003, C.2 be modified to incorporate the following language: (double underline indicates addition)

3.300.003            COMMITTEE ELECTIONS

A.     Standards, Research Administration, Technical Activities

2. Nominations

~~Prior to the commencement of the Board meeting immediately prior to election, At least two weeks prior to commencement of the annual meeting, the President-Elect shall notify the Board of the intended members and Chair of these three nominating subcommittees pending election.~~ At the first Board meeting following election, the President shall appoint three subcommittees of three (3) members each from the Board, the chairmen of which shall be members of the Executive Committee. At least one member of each subcommittee shall be a continuing member of the BOD and carry over as a member of the subcommittee for the succeeding year. The remaining two members of the subcommittee shall not have served on the same nominating subcommittee the previous year. The considerations of each subcommittee shall be brought forward to the succeeding year's subcommittee. Individuals elected by the BOD as alternates one year shall automatically be considered potential candidates the following year (99-01-24-31). All matters related to these nominations shall be confidential. (97-06-29-15)

C. Handbook2. Nominations

~~Prior to the commencement of the Board meeting immediately prior to election, At least two weeks prior to commencement of the annual meeting, the President-Elect shall notify the Board of the intended members and Chair of this nominating subcommittees pending election.~~ At the first Board meeting following election, the President shall appoint a subcommittee of three members from the BOD, the chairman of which shall be a member of the Executive Committee. At least one member of the subcommittee shall be a continuing member of the BOD and carry over as a member of the subcommittee for the succeeding year. The remaining two members of the subcommittee shall not have served on the same nominating subcommittee the previous year. The considerations of the subcommittee shall be brought forward to the succeeding year's subcommittee.

Individuals elected by the BOD as alternates one year shall automatically be considered potential candidates the following year (99-01-24-31). All matters related to these nominations shall be confidential. (97-06-29-15)

**Answer:** This motion was approved as amended. **(Complete)**

**Illinois Chapter 2008 CRC Motion 2:**

That either:

- (a) The 2008-2009 fiscal budget be amended to incorporate funds required for completion of the "Speakers Database" as accessed through the College of Fellows web page, and that those funds be directed to the coordinator of that initiative for completion prior to the end of the 2008- 2009 fiscal year.

**OR**

- (b) Appropriate ASHRAE staff be made available to complete the "Speakers Database" as accessed through the College of Fellows web page, in coordination with the coordinator of that initiative prior to the end of the 2008-2009 fiscal year.

**Answer:** This CRC motion was referred to staff. Staff determined it was not in the Members Council budget to do this. **(Complete)**

**Illinois Chapter 2008 CRC Motion 3:**

That contracts and association agreements with Convex Technologies, the contractor providing recording of Society meeting technical seminars be reviewed, and that agreement be sought with Convex Technologies that would allow for these recorded seminars to be searched and reviewed by the Chapter officer responsible for determining the speakers and content for Chapter Meeting technical presentations. Dependent on a successful negotiation, these recorded presentations would be made available through some ASHRAE online venue such as a link through the ASHRAE bookstore, or as part of the College of Fellows Speakers Database in example.

**Answer:** This CRC motion was referred to the Conferences and Expositions Committee. The Seminar Recordings from ASHRAE's meetings are ASHRAE's intellectual property and control of the distribution of the content resides with the Society and not with the vendor. Seminar recordings from past meetings are available online where they can be searched and purchased. (Similarly, a better source for searching topics and speakers is the technical programs for meetings that also are posted online.) Both provide a wealth of information for topics and speakers, and generally provide enough information for tracking speakers down to discuss speaking opportunities. While having access to the Seminars could be helpful to determine if a speaker is appropriate, providing online access to the seminars would have a negative fiscal impact of \$99 per meeting per chapter in lost sales. Alternatively, the license agreement that accompanies purchased Seminar DVDs or online seminar access provides for the showing the presentations at chapter events. **(Complete)**

**Illinois Chapter – Motion 31 (10/25/2008):**

That the Society:

1. Increase the annual dues by \$x per year (adjusted annually for inflation) for Affiliate, Associate, and Member levels – other special member status categories are excluded  
**Answer:** MP already does this every 3-4 years. The committee will make a motion for an increase in the Affiliate grade; the Member and Associate grades were increased less than 1.5 years ago.
2. Automatically assign all members to a local chapter (if that particular region supports the concept of chapters)  
**Answer:** Yes, we already do this.
3. Transfer “regional dues” (\$y) to the appropriate region  
**Answer:** Since we do not collect regional dues, we cannot transfer them to the region.
4. Transfer “chapters dues less regional dues” (\$x-y) to the local chapter based on their area assigned members  
**Answer:** We already do this; we transfer chapter dues to the chapters.
5. Determine appropriate values for x and y  
**Answer:** Not applicable.
6. Exclude unique regions with specific financial constraints where the current Society level dues are already at a reduced rate and chapter dues are not collected.  
**Answer:** This is covered since we have the developing economies program.

**Answer:** This motion was referred to staff to investigate; there are six (6) parts to the motion, staff's response is listed in each part. The motion was defeated because of the answers given by staff; most of this is already being done; and because we do not collect regional dues. **(Complete)**

**Minnesota Chapter – Motion 7 (06/25/2007):**

That Technology Council post information on the Technology page of the ASHRAE website descriptions of what ASHRAE Standards have been adopted as building codes and which state jurisdictions have done so.



**Answer:** This motion was referred to Technology Council. Technology Council referred this motion to the Code Interaction Subcommittee (CIS) of the Standards Committee (via Clare Ramspeck, staff) for action on January 17, 2008. It was discussed at the 2008 Winter Meeting in New York with the following resolution. While CIS tracks a few selected cases where ASHRAE standards are adopted by states it does so only when specific action seems warranted. Neither CIS nor standards staff has the resources to track the full scope of adoptions by states and keep such a list current. However, CIS recommends that Members Council request that chapters inform Steve Ferguson, Assistant Manager of Standards for Codes, of state and local adoptions and he will compile a list of such adoptions for posting. Thus Technology Council considers this item to be closed. **(Complete)**

**Madison Chapter – Motion 22 (06/25/2007):**

That the online ASHRAE Society website change so that new members are provided an opportunity to pay for local dues while applying for membership effective Society year 2007-2008.

**Answer:** Members Council was not in favor of this motion. The application form is hardcoded and this would be a very difficult and major change. **(Complete)**

**Minnesota Chapter – Motion 23 (06/25/2007):**

That Society provides a \$50 stipend to chapter RP Chairs to attend a year-end strategic planning session at the CRC in those regions that have Spring CRCs.

**Answer:** Members Council was not in favor of this motion. During the 2007 Winter Meeting in Dallas, Members Council approved a motion for a \$100 travel incentive program for RP chapter chairs of Regions I-XII who attends both the RP centralized training and their CRC. The incentive is made payable upon the RP chair's request and upon verification from the RVC that both meetings were attended. An action item was assigned to the Research Promotion Committee to inform the chapter RP chairs that the incentive program is in place and available for them to use. **(Complete)**

**Illinois Chapter – Motion 24 (06/25/2007):**

That the Society Honors and Awards Committee provide a detailed explanation of why a nominee is declined.

**Answer:** Members Council was not in favor of this motion. Details of the nominations process is conducted in executive session. Chapters may contact their DRC or regional nomination members for feedback. **(Complete)**

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**Minnesota Chapter – Motion 32 (06/27/2005):**

That TC 1.7 Business, Management and General Legal Education prepare educational material, including example forms that explains how an HVAC&R design engineer can be "held harmless" in the event that a client requires the engineer to ignore ASHRAE Standards.

**Answer:** This motion was referred to Technology Council and was later referred directly to TC 1.7. The "hold harmless" issue raised in Motion 32 was thoroughly discussed by TC 1.7 as there have been several inquiries about it, it seems to be a hot topic. The TC does not plan to develop or publish forms, because this may be treading on legal practice. It is anticipated that the TC will present some general technical programs on this topic in the future. While Tech Council will continue to follow this item, we consider our response complete and that this item is closed. **(Complete)**

**Illinois Chapter – Motion 9 (06/27/2004):**

That Society engage in outreach activities with other engineering and facility operating organizations.

**Answer:** Members Council was not in favor of this motion. Joint activities are already in place at the Society level (the motion's background indicates chapter joint activities). **(Complete)**



**Illinois Chapter – Motion 10 (06/27/2004):**

That the annual ASHRAE dues statement include a question that asks each member their preferred form of media communication from their local chapter.

- Email
  - Fax
  - Mail
- } must be listed in this order

Note: Provided information will not be used by anyone other than ASHRAE.

**Answer:** Members Council was not in favor of this motion. This is a local chapter issue and there are other ways for chapters to collect this information. **(Complete)**

**St. Louis Chapter – Motion 11 (06/26/2004):**

That the Society Membership Promotion Committee develop and implement a plan to actively solicit building owners and operators as new members.

**Answer:** Members Council was not in favor of this motion. This is already being done by the Membership Promotion Committee and chapters can do this locally. **(Complete)**

**St. Louis Chapter – Motion 12 (06/27/2004):**

That Society prepare and post on the Society website a consolidate organizational chart illustrating the complete structure of the Society and that the organizational chart be updated annually to help convey the ongoing restructuring of Society to the membership.

**Answer:** This motion was approved. **(Complete)**

**Illinois Chapter – Motion 21 (06/27/2004):**

That the ASHRAE biographical record system be programmed to automatically calculate a member's point score for use in determining eligibility for DSA, CSA and ESA.

**Answer:** This motion was approved. **(Complete)**

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**La Crosse Area Chapter – Motion 12 (06/23/2002):**

That ASHRAE create education materials that local chapters can utilize in educating consumers on creating safe, energy efficient and productive residential or small commercial environments.

**Answer:** This motion was referred to ALLI and Publishing and Education Council. The Marketing and Oversight Subcommittee considered this referral from Regions Council regarding preparation of consumer education information. The subcommittee has directed the PR Staff to develop appropriate communication material (brochure and/or web documentation) to assist HVAC&R end users and homeowners in selection and maintenance of HVAC&R systems. TC 9.5 should be contacted to provide technical guidance. An action item was assigned to staff to work with TC 9.5 and other appropriate TCs to prepare the requested literature. **(Complete)**

# ATTACHMENT A2

## APPENDIX RA-A

### ASHRAE RESEARCH PROJECT ANALYSIS (Completed by Staff May 2006)

Project Number & Title:

Sponsored by TC/TG: TC

Justification of Need:

Work Statement Authors:

Research Strategic Plan Goals Applicable to this Research:

<u>RTAR Submitted:</u>	<u>Position on TC/TG Research Plan:</u> #1	<u>Position on Implementation Plan:</u> Prioritized
------------------------	---	--

<u>Coordinated with TC:</u>	<u>Relates to Previous Project:</u>
-----------------------------	-------------------------------------

<u>Vote of TC/TG:</u> ?	<u>Vote of RAC:</u> ?
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<u>Vote of RAS:</u> ?	<u>Vote of Tech Council:</u> ?
-----------------------	--------------------------------

<u>Allocation of ASHRAE Funds Per Fiscal Year</u>	<u>2006-2007</u>	<u>2007-2008</u>	<u>2008-2009</u>
	?	?	?

Best Value for ASHRAE:

Lowest Cost Bid ? (Y / N), ? If no, 2/3 PES scored highest? (Y / N), ? Avg. PES score 5 or more points higher than lowest priced responsive bid? (Y / N), ? The \$/point ratio of selected bid is less than the lower priced responsive bids? (Y / N) ?

Actual or Perceived Conflicts of Interest:

Was a contractor selected a WS author? (Y / N), ? If yes, were there a minimum of three WS authors ? (Y / N), Y  
Were there at least three responsive bids? (Y / N), ? Was bid selected for unique reason not outlined in WS? (Y / N), ?  
Was the total price of the selected bid within 10% of the project budget amount? (Y / N) ?

Other Information (such as comments from TC/TG or RAC, justification or positive reasons to the Society for not recommending the lowest priced responsive bid, reasons for all negative votes, and abstentions, etc.)

ESTIMATED

24M

\$200,000

SCORE

\$/POINT



## ATTACHMENT A2

### APPENDIX RA-A

#### MORTS NOTES:

TC Recommended Bidders:

Bids Due:

Total Number of Bids:

Bidders:

PES:

TC Recommended Contractor: ?

P.I. & Track Record(s):

1.

Did the P.I. or key personnel help prepare WS? NO

Were any of the WS authors also bidders? NO

WS Authors:

Co-funding:

Conflict of Interest:

# ATTACHMENT A2

## PROPOSAL EVALUATION GUIDELINE (SAMPLE)

Project # \_\_\_\_\_ Submitted by \_\_\_\_\_

Title \_\_\_\_\_

### Factor

1. Contractor's understanding of Work Statement as revealed in proposal.
  - a) Logistical problems associated
  - b) Technical problems associated
2. Quality of methodology proposed for conducting research.
  - a) Organization of project
  - b) Management plan
3. Contractor's capability in terms of facilities.
  - a) Managerial support
  - b) Data collection
  - c) Technical expertise
4. Qualifications of personnel for this project.
  - a) Project team 'well rounded' in terms of qualifications and experience in related work
  - b) Project manager person directly responsible; experience and corporate position
  - c) Team members' qualifications and experience
  - d) Time commitment of Principal Investigator
5. Student involvement
  - a) Extent of student participation on contractor's team
  - b) Likelihood that involvement in project will encourage entry into HVAC&R industry
6. Probability of contractor's research plan meeting the objectives of the Work Statement.
  - a) Detailed and logical work plan with major tasks and key milestones
  - b) All technical and logistic factors considered
  - c) Reasonableness of project schedule
7. Performance of contractor on prior ASHRAE or other projects. (No penalty for new contractors.)
8. Other \_\_\_\_\_

Weight X Rating = Score TOTAL 100

Note: Factor Weight should be determined by Evaluation Committee and remain constant for all proposals. Factors should be selected such that maximum score totals 100.

Justification for selecting other than the Low Bidder:

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Note: The minimum score for considering the award of a contract is 70%. Justification for selecting other than the low bidder must include specific reasons why lower cost bidders were not recommended.



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TO: Joyce Abrams  
Vickie Grant

FROM: Dave Meredith  
Chair, Scholarship Trustees

DATE: October 1, 2014

SUBJECT: Madison Chapter Referral Motions 18 07/01/2014 & 19 07/01/2014 to Scholarship Trustees

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Please forward this to the Madison chapter as my response on behalf of the scholarship trustees relative to the referral motions listed below.

**Region VI (Madison Chapter) – Motion 18 07/01/2014:**

That ASHRAE allow local chapter scholarship and awards committee involvement in the scholarship committee when ASHRAE Society coordinates the scholarship.

**Region VI (Madison Chapter) – Motion 19 07/01/2014:**

That ASHRAE allow local chapter scholarship and awards committee final approval of local scholarship recipient of ASHRAE chapter endowed scholarships. All chapters that are affected by the scholarship will be notified of the award.

ASHRAE chapters have continually fulfilled an important role in the growth and awareness of the Society's Scholarship Program from writing letters of recommendation for applicants to making scholarship presentations at their local meeting and their involvement is very much appreciated.

Recently, a new opportunity has been created for chapters to have the ASHRAE Foundation manage chapter scholarship funds, with the criteria and selection of recipients remaining a function of that chapter. Chapter funds are deposited with the Foundation, who would cut a check each year to that year's recipient as requested by the chapter scholarship committee. The Society Scholarship Trustees would not be involved.

**Motion 18** is not possible for national scholarships funded through regional, chapter or named donations. The normative process used by the Scholarship Trustees provides surprisingly consistent results in the ranking of candidates that would not be available to chapter or regional scholarship committees. The risk of confidentiality and the complex logistics of allowing this "heavy impact" from a chapter or region on the final selection are also concerns.

**Motion 19** appears to have a workable solution for scholarships specific to chapters and/or regions that are administered by the Society Scholarship Trustees.

Students often attend a University far from where they graduated from High School. Several of our more recent scholarships (including the one sponsored by the Minnesota Chapter as cited in the Motion) include a requirement that the student either attend a University in the geographic area of the sponsoring chapter or

region, or that the student have graduated from a high school in the geographic area of the sponsoring chapter or region.

For national level scholarships, the tradition is that the announcement of the scholarship recipient is sent to the Society chapter nearest the University where the student attends. The objective of this policy is to minimize the travel cost and time for the student, since the awards are usually presented during the school year. There is also the possibility that a chapter member might decide to offer this outstanding student a co-op position or a summer internship. That positive work experience may do more than the scholarship to convince that student that our industry is where they want to build their career. This policy will continue for national scholarships without a chapter or regional restriction in the selection criteria.

To resolve confusion in the future for national level scholarships with a chapter or regional restriction in the criteria, a letter announcing the recipient will be sent to the President of the sponsoring chapter or region, who will make arrangements for the presentation of the scholarship. A copy of that letter will be sent to the ASHRAE chapter nearest the University where the student attends. Most students would have no objection to being honored twice and getting two free meals.

**Region VI (Illinois Chapter) – CRC Motion 4 (see also Motion 37 Central Florida):**

That the Rules of the Board Paragraph 3.980; “Enforcement Procedures” be amended as follows:

3.980 Enforcement Procedures for Violation of the ASHRAE Code of Ethics and Other Disciplinary Matters (07-01-31-17)

3.980.001 Every member and body of the Society is responsible for upholding, supporting and enforcing the Code of Ethics. It is the preference of the Society to resolve ethical and other issues on an informal basis. ~~Where the informal process does not produce a satisfactory result, any member or body may initiate a formal written complaint requesting that the Board of Directors (BOD) investigate a breach of ethics by a member or body. The complaint should be forwarded in a confidential letter to the Board of Directors in care of the executive vice president and chief staff officer (EVP). The complaint shall clearly identify the complainant and be in the form of a notarized affidavit, signed by a member of ASHRAE in good standing. If the complaint involves a member of the BOD, that person shall be recused from all deliberations and actions concerning the complaint.~~

Discussions regarding any potential ethical or other issues shall be limited at the start to a committee Chairman, President or President-Elect and the complainant. There shall be no group discussions at any Society committee and management levels of any allegations against a member of the Society both formally and informally without the member being discussed in attendance and given advanced knowledge of the alleged charge and incident for discussion. The member being charged shall always have the right to face their accuser(s)/ complainant, and a documented list of allegations, as well as an explanation as to how they have violated the ASHRAE Code of Ethics.

Where the informal process does not produce a satisfactory result, any member or body may initiate a formal written complaint requesting that the Board of Directors (BOD) investigate a breach of ethics by a member or body. The complaint should be forwarded in a confidential letter to the Board of Directors in care of the executive vice-president and chief staff officer (EVP). The complaint shall clearly identify the complainant and be in the form of a notarized affidavit, signed by a member of ASHRAE in good standing. If the complaint involves a member of the BOD, that person shall be recused from all deliberations and actions concerning the complaint.

3.980.002 The complaint should include:

3.980.002.1 The name and address of the member or body whose conduct is the subject of the complaint.

3.980.002.2 A statement which sets forth with specificity the alleged conduct of the member or body whose conduct is the subject of the complaint.

3.980.002.3 The specific provisions of the Code of Ethics which the conduct is alleged to have violated.

## ATTACHMENT B

- 3.980.002.4 The names and addresses of persons believed to have knowledge pertaining to the subject of the complaint.
- 3.980.002.5 The identification and location of documentation or materials upon which the complaint is based.
- 3.980.002.6 A statement from the member submitting the complaint declaring that they will be present at any hearing at which the complaint is being considered if requested by the deliberating body.
- 3.980.003 No complaint shall be considered if based on conduct more than two years prior to the complaint or more than two years after the complainant would have reasonably been made aware of the activity forming the subject of the complaint.
- 3.980.004 The EVP shall acknowledge receipt of the complaint within ~~a reasonable time period~~ forty eight hours of e-mailed receipt. Copies of the complaint shall be distributed only to members of the ASHRAE Executive Committee (ExCom) and to ASHRAE legal counsel.
- 3.980.005 ExCom ~~shall may~~ review the complaint, or immediately delegate it to a Tribunal. If ExCom reviews the complaint, they shall and conduct a preliminary investigation. During this investigation, the names of the complainant and the subject of the complaint will be undisclosed to the extent possible. The investigation will communicate verbally and in writing with the complainant and all parties named in the complaint, as well as those suggested to be knowledgeable, and others that may be determined to have knowledge through the investigation process. Commentary of the interviewees shall be recorded in writing, with the name of the commenter kept confidential to the extent possible. ExCom ~~will decide to terminate the complaint or shall~~ present the complaint to the BOD for consideration if the statements of complaint are found to be supported with substantiation by those suggested to have knowledge of the incident warranting the complaint. If terminated, the complainant and the subject of the complaint will be notified in writing by the EVP, ~~with a complete.~~ The explanation of ExCom's action shall be fully documented and fully answer any questions or allegations that were the basis of the complaint. The complainant and subject of the complaint shall have the right to appeal the decision of the ExCom and question the response to the complaint in a hearing at the next Society meeting, with a body made up of two Director and Regional Chair members of the Board of Directors, two members of ExCom and an independent non-serving member of the Society who will act as the Hearing Chair. Selection of the DRC members shall be by verbal conference ballot four weeks prior to the meeting. Selection of the ExCom members shall be at the designation of the President or by agreement of the ExCom members. Selection of the Hearing Chair shall be four weeks prior to the meeting, by random selection of those slated to attend from the pool of Technical Committee Chairman expected to attend the meeting.
- 3.980.006 ExCom may terminate the complaint ~~investigation process at any time if there is any disclosure of the complaint or its contents by the complainant being referred to the BOD,~~ if the complainant fails to respond to a written request for further information within sixty days, or if the complainant has initiated legal proceedings based on the same or related circumstances underlying the complaint.



## ATTACHMENT B

3.980.007 If the complaint is not terminated by ExCom, the presiding officer of the BOD ~~may shall appoint nominate~~ a three person tribunal to ~~conduct a be elected by the BOD in verbal conference, subject to additional nominees nominated by the BOD. The Tribunal shall review the statements collected during the preliminary investigation phase if any. The Tribunal shall conduct their own~~ thorough investigation ~~similar to the described ExCom investigation phase as required to understand the~~ of the complaint.

At the conclusion of the investigation, the tribunal will schedule a confidential hearing to allow ~~the complainant and~~ member or body charged to respond to the charges. The ~~claimant and~~ respondent will be given thirty days' notice of the hearing before the tribunal or the BOD. ~~The claimant and respondent shall be presented with a written record of the investigation(s) interviews without the names of those offering the evidence. The claimant and respondent may request participation of those offering interview commentary that they dispute.~~ The hearing may be ~~in writing,~~ electronic or face-to-face, at the option of the ~~complainant and~~ member or body charged. The hearing will be organized to minimize the cost and inconvenience to the complainant, respondent and members of the tribunal. The tribunal shall prepare a complete report to the BOD including a recommendation of BOD action. ~~If the tribunal recommends that the BOD adjudicate the complaint, all deliberations shall be in executive session.~~

3.980.008 The BOD may censure, warn, suspend or expel a member or members if they are found to have violated the Code of Ethics. Any action against members will be governed by the provisions for discipline in the Society Bylaws.

**Background:** The intent of this motion is to clarify inequities for both Complainant and Accused, stop unofficial meetings about true allegations, and eliminate actions based on rumor and innuendo, and make the process of addressing any allegation open and transparent giving the member alleged to have done something a right and venue to defend themselves and their honor.

The existing wording of the policy allows for a process of character assassination to take place, and take too broad of an action against a member. No one should have to suffer through this potential. These "characterizations" discussed and implied in this revision can and do take place more than the general membership is ever aware of. These actions are harmful to individual members and the membership at large, and belie the ignorance of ASHRAE Staff and Member leadership when it comes to dealing fairly with what can be highly consequential allegations.

These changes are immediately necessary as they address in particular, two Ethics Complaints that were filed with the Society. Of these two complaints, one was filed because of rumors of alleged actions attributed to a member and were disciplinary actions were carried out and acted upon by the President and the Executive Committee without regard and in direct violation of the Rules of the Board and the ASHRAE Bylaws. This complaint was then dismissed without investigation to conceal and protect a member of the BOD whom the complaint was partially lodged against.

The second complaint that was filed in this series required the ExCom to recuse themselves from its consideration, however in so doing they supposedly set up the process of creating the Tribunal with no allowance for passing along communications from any parties, including complainant, for amending the complaint. This Tribunal then did not communicate with parties

## ATTACHMENT B

named in the complaint process until the week prior to the next Society meeting, making one question if they were given enough time to consider the issues at hand and determine the facts of the matter.

In this particular instance, it is the contention of the complainant that the alleged matter was of a serious and damaging social nature both within ASHRAE and outside. In these cases, such rumors must be given very serious consideration, and the ROB need to reflect that and provide protections for all parties involved. In addition, all ASHRAE officers should, and must be compelled to follow ASHRAE rules and Bylaws to a higher standard as our elected representatives. When actions are taken that ignore such rules, and may even go so far as to provide concealed protection of favored parties, it creates a corruption of our processes as a Society and weakens our structure.

**Fiscal Impact:** The proposed motion should be fiscal neutral.

**Vote:** 6-1-4 (chair not voting)

**REPORT TO THE BOARD OF DIRECTORS  
From Ethics Enforcement Procedures Task Group  
As of 2018.06.24**

**Recommendations for Board Approval:**

- Approve the Ethics Enforcement Procedures Task Group changes to the ASHRAE Rules of the Board incorporating the changes to Ethics Enforcement that add a balanced and transparent process that is fair to all involved. The changes are contained in the attached documents:
  - a. Attachment A-Vol 1 recommended changes.docx
  - b. Attachment B-Vol 2 recommended changes.docx
  - c. Attachment C-Vol 3.recommended changes.docx

An Ethics Enforcement Policy flow chart is attached on the next page of this report.

**Fiscal Impact:**

Ethics tribunals have had to hold face-to-face meetings in two of the last five years so the impact will vary greatly from year to year. The estimate of fiscal impact is an increase of \$10,000 over a five year period or \$2000 per year.

**Background:**

Based on a recommendation from the Ethics Tribunal, President Bjarne Olesen appointed a Task Group to review and recommend changes to ROB 3.980 Enforcement Procedures for Violation of the ASHRAE Code of Ethics.

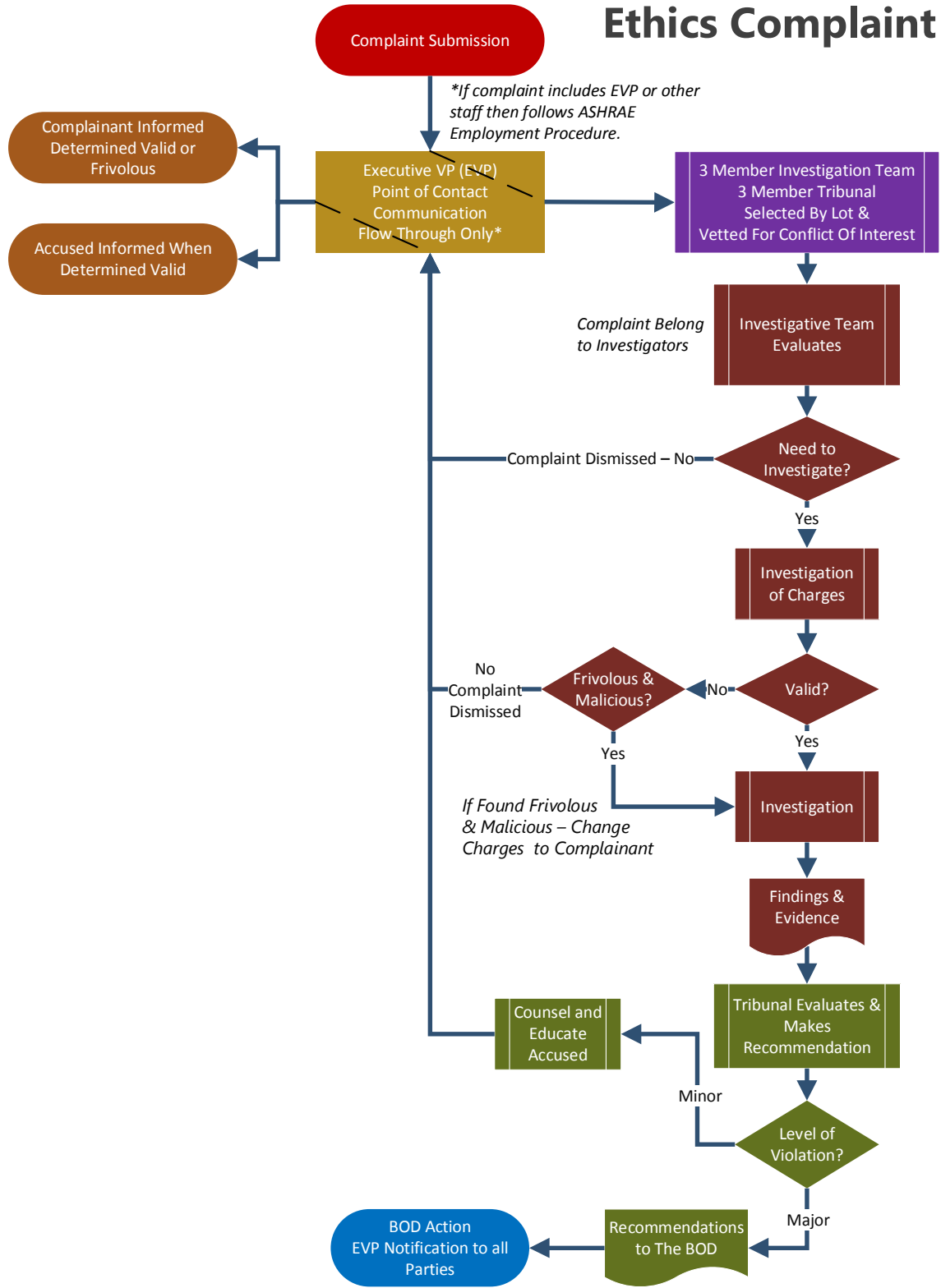
The Ethics Enforcement Procedures Task Group was charged to:

- Address procedures for Ethics allegations against Officers and or BOD Members.
- Consider making the review more independent from ASHRAE leadership.
- The changes to the ROB will implement the concepts recommended by the Ethics Enforcement Procedures Task Group:
  - d. Balance enforcing ethics violations & rights of accused
  - e. Clear and understandable by average member
  - f. Impartial process
  - g. Presumption of innocence
  - h. BOD retains final approval but independent panel investigates and makes recommendation
  - i. Progressive disciplinary process based on offense & history
  - j. Records retained by ASHRAE Human Resources Dept based on severity of the offense – available only to investigators and tribunals
  - k. No Changes to By-laws

The Ethics Enforcement Policy Task Group determined that in addition to ROB 3.980, additional changes were also needed to ROB Volumes 1, 2 and 3. The proposed changes to the Rules of the Board, Volumes 1, 2 & 3 were made with input from the Society Rules Committee. All of the proposed changes were approved by the Society Rules Committee.

2018.06.24  
Date

Thomas E. Watson  
Chair



## Attachment A

NOTE: ~~Strike throughs~~ shows deleted words and underline shows added words

### 1.140 CODE OF ETHICS

(74-06-23-28/86-06-22-23/07-01-31-16/13-01-30-61)

#### 1.140.001 ~~CODE OF ETHICS~~ Ethical Conduct

Commented [TEW1]: Revise to avoid confusion with 1.140

1.140.001.1 As members of ASHRAE or participants in ASHRAE activities, we pledge to act with honesty, fairness, courtesy, competence, integrity and respect for others in our conduct. We will avoid conflicts of interest, and behavior that is discriminatory and/or harassing.

- A. Efforts of the Society, its members, and its bodies shall be directed at all times to enhancing the public health, safety and welfare.
- B. Members and organized bodies of the Society shall be good stewards of the world's resources while considering the environmental, financial and human/societal impacts of their actions.
- C. Our products ,services and advice shall be offered only in areas where we have competence and expertise.
- D. We shall act with care and competence in all activities, using and developing up to date knowledge and skills.
- E. We shall avoid real or perceived conflicts of interest whenever possible, and disclose them to affected parties when they do exist.
- F. The confidentiality of business affairs, proprietary information, intellectual property, procedures, and restricted Society discussions and materials shall be respected.
- G. Each member is expected to be committed to the ASHRAE Code of Ethics in his or her own professional activities .
- H. Activities crossing national and cultural boundaries shall respect the ethical codes of the seat of the principal activity.
- I. Lack of adherence to the confidentiality requirements of "Executive Sessions" is an ethical violation.

J. Seeking ethical sanctions against another ASHRAE member in a frivolous or malicious manner is an ethical violation.

K. Making unfounded malicious statements that are derogatory to a fellow member, staff or the Society is an ethical violation.

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#### L. Complaint Procedure

Any member who believes that he or she has witnessed or has been subjected to unethical conduct or other violation of this policy should immediately report the matter in accordance with the procedures identified in the ASHRAE Discrimination and Harassment Policy (ROB 1.201.032) and/or the ASHRAE Whistleblower Policy (ROB 1.201.040). ASHRAE will promptly and thoroughly investigate the report and take corrective action, if appropriate. Allegations involving alleged conduct by ASHRAE employees will be investigated in accordance with ASHRAE's internal human resources policies and procedures. Allegations involving alleged conduct by ASHRAE members will be investigated in accordance with the ROB 3.980 -Enforcement Procedures for Alleged Violations of the ASHRAE Code of Ethics (the "Enforcement Procedures"). Any member found to have violated this policy will be subject to disciplinary action, up to and including expulsion from membership in accordance with the Enforcement Procedures and ASHRAE's Bylaws. ASHRAE Members that are "Covered Persons" as defined by the ASHRAE

Conflict of Interest Policy are required to disclose are required to disclose conflicts of interest following the procedures identified in the ASHRAE Conflict of Interest Policy (ROB 1.201.007). Failure to disclose a conflict of interest by a Covered Person is an ethical violation subject to the Ethics Enforcement procedures.

**1.200 POLICIES**

**1.200.001 Assignment of Policies** (08-06-25-29/09-01-28-25/10-01-27-01)

Each of the following policies of the Board is assigned to a council, standing committee or other body of the Society as the cognizant committee for the purposes of (1) periodic review and (2) recommendation of interpretations and/or revisions to the Board of Directors.

**1.200.002 Table of Cognizant Committees** (08-06-25-29/08-06-25-13)

<b>ROB Number</b>	<b>ROB Policy</b>	<b>Cognizant Committee</b>
1.201.001	Planning Policy	Planning Committee
1.201.002	Units Policy	Pub Ed Council
1.201.003	Policy on Use of ASHRAE Standards in Building Codes and Other Regulations	Standards Committee
1.201.004	Policy and Definitions of ASHRAE Standards and Related Documents	Standards Committee
1.201.005	Health Impacts of ASHRAE Standards	Environmental Health Committee
1.201.006	Health and Safety Impacts of ASHRAE Publications	Environmental Health Committee
<u>1.201.007</u>	<u>Conflict of Interest Policy</u>	<u>Executive Committee</u>
1.201.008	ASHRAE Policy on Standards and Guidelines that Address Smoking Spaces	Technology Council
1.201.009	Commercialism Policy	Pub Ed Council
1.201.010	Web Site Policies	Electronic Communications Committee
1.201.011	List Server Rules	Electronic Communications Committee
1.201.012	Building Sustainability Policy	Technology Council
1.201.013	Pricing Policy	Pub Ed Council with assistance from Publications Committee
1.201.014	Advertising Policy	Pub Ed Council with assistance from Publications Committee
1.201.015	Disk Copyright	Pub Ed Council with assistance from Publications Committee
1.201.016	Disclaimers	Pub Ed Council
1.201.017	Reprint and Translation Policy	Pub Ed Council
1.201.018	Confidential Research Projects	Research Administration Committee
1.201.019	Policy for ASHRAE Special Projects	Technology Council
1.201.020	ASHRAE Canada Office	Members Council
1.201.021	Security and Privacy Policy	Members Council
1.201.022	Contact Data Availability Policy	Members Council
1.201.023	Investment Policy	Finance Committee
1.201.024	Policy for the Use of the Golden Circle Logo	Research Promotion Committee
1.201.025	Business Card Policy	Members Council
1.201.026	Policy on Renting ASHRAE Membership Lists to Other Organizations	Members Council
1.201.027	Travel Reimbursement Policy	Finance Committee
1.201.028	Indemnification Resolution	Finance Committee

Commented [TEW2]: Was placeholder



1.201.029	Policy on Computer Algorithms and Programs	Electronic Communications Committee
1.201.030	Growth and Development Policy	Members Council
1.201.031	Smoking Policy	Conferences and Expos Committee
<u>1.201.032</u>	<u>Discrimination and Harassment Policy</u>	<u>Executive Committee</u>
1.201.033	ASHRAE Fellow Recognition	Members Council
1.201.034	International Policy for Standards	Standards Committee
1.201.035	Policy on Membership Admissions and Grade Advancement	Members Council
1.201.036	Policy on ASHRAE Spokesperson	Executive Committee
1.201.037	Policy on Promotion of Grassroots Advocacy Programs	Grassroots Government Advocacy Committee
1.201.038	Policy on ASHRAE Endorsement of Other Organizations' Certification Programs	Executive Committee
1.201.039	Policy on Use of "Standard" or "Guideline" in ASHRAE Document Titles	Standards Committee
1.201.040	Whistleblower Policy	<u>Finance Executive Committee</u>

Commented [TEW3]: Was placeholder

Commented [TEW4]: Recommended by SRC

**1.201.007 Conflict of Interest Policy** (93-01-27-22/01-02-01-94/08-06-25-15A/14-07-02-9)

This Conflict of Interest Policy (the "Policy") of the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. ("ASHRAE") has been adopted by its Board of Directors (the "Board") and is applicable to all Covered Persons (as defined below). This Policy is intended, among other things, to assist ASHRAE and Covered Persons in compliance with laws applicable to tax-exempt organizations and with the New York not-for-profit corporation law, and it shall be interpreted consistent with such purposes.

1.201.007.1 Purpose and Overview

- A. All directors, officers and staff owe a duty of loyalty to ASHRAE. The duty of loyalty requires that they exercise their powers in good faith and in the best interests of the organization, rather than in their own interests or the interests of another entity or person.
- B. Conflicts between the interests of ASHRAE and the personal or financial interests of a Covered Person may arise from time to time. Some conflicts of interest are illegal or may subject ASHRAE or its directors, officers or employees to liability. Some conflicts of interest may not be illegal, but may be unethical or may create an appearance of impropriety. Some conflicts of interest may ~~be in the best interests of~~ not be harmful to ASHRAE interests as long as certain procedures are followed. This Policy is designed to assist directors, officers and employees of ASHRAE, as well as others affiliated with ASHRAE, with identifying conflicts of interest and handling them appropriately.
- C. Neither ASHRAE nor any Covered Person shall enter into any transaction or arrangement that involves an actual, potential, or apparent conflict of interest except in compliance with this Policy.

1.201.007.2. Definitions

A "Covered Person" includes each of ASHRAE's current and former (within the last five years) (i) directors, (ii) officers and (iii) employees, volunteers, independent contractors, substantial contributors and others who have the ability to exercise substantial influence over the affairs of ASHRAE. For purposes of this Policy, whether an individual has the ability to exercise substantial influence over the affairs of ASHRAE shall be determined in accordance with the intermediate sanctions provisions of Section 4958 of the Internal Revenue Code of 1986 and related regulations.

B. A "conflict of interest" arises whenever (i) the interests of ASHRAE come into conflict with a competing financial or personal interest of a Covered Person or an affiliated party (as defined below) or (ii) a Covered Person's personal or financial interest could be reasonably viewed as affecting the Covered Person's objectivity or independence in fulfilling his or her duties to ASHRAE. While it is not possible to anticipate all possible conflict situations, a conflict of interest typically arises whenever a Covered Person or any affiliated party has (directly or indirectly):

1. A compensation arrangement or other interest in a transaction with ASHRAE compensation arrangement or other interest in a transaction with ASHRAE;
  2. A compensation arrangement with, other interest in, or affiliation with any entity or individual that or who: (a) sells goods or services to, or purchases goods or services from, ASHRAE; (b) competes with ASHRAE; or (c) is negotiating, or contemplating negotiating, any transaction or arrangement with ASHRAE;
  3. Used his or her position, or confidential information or the assets of ASHRAE, to his or her (or an affiliated party's) personal advantage or for an improper or illegal purpose;
  4. Solicited or accepted any gift, entertainment or other favor where such gift, entertainment or other favor might create the appearance of influence on the Covered Person (other than gifts of nominal value, which are clearly tokens of respect and friendship unrelated to any particular transaction);
  5. Acquired any property or other rights in which ASHRAE has, or the Covered Person knows or has reason to believe at the time of acquisition that ASHRAE is likely to have, an interest;
- ue Briefs.

# ATTACHMENT B

**Note: only additions to Volume 2 were made . No text was deleted**

## **2.433 Ethics Review Board**

### **2.433.001 SCOPE AND PURPOSE**

This Ethics Review Board (ERB) is responsible for investigating complaints about violations of the ASHRAE Code of Ethics, deciding whether the complaints are valid, and, when appropriate, recommending enforcement or disciplinary actions in response to confirmed violations of the ASHRAE Code Ethics to the Board of Directors (BOD) commensurate with the violation(s) encountered. The ERB shall establish an Investigative Panel (IP), consisting of a subset of ERB members, to investigate and adjudicate each individual complaint or alleged violation. If the IP determines that a violation has occurred, the ERB shall establish a Tribunal to recommend actions to be taken.

### **2.433.002 Membership**

#### **2.433.002.1 Composition**

Members of the ERB shall be as follows:

- A. There shall be two (2) Ethics Review Board members and one (1) alternate selected from each region of the Society, elected annually by the Chapters Regional Committee (Delegates, Alternate Delegates and Regional Leaders (less the Director and Regional Chair) in Executive Session) from each region.
- B. The Chair and Vice Chair of the ERB shall be selected as described in section 2.433.003 C and D.
- C. ERB members shall be a pool from which Investigative Panel and Tribunal members are selected.
- D. No current Member of the Board of Directors shall be eligible to serve on the ERB.
- E. Members of each Investigative Panel and of each Tribunal shall be selected randomly from the ERB, as a group of three (3) members, to conduct their investigation (Panel) or to render judgment in cases of confirmed violations (Tribunal). Each Panel or Tribunal shall elect a chair from among their membership.
- F. The size of the Investigative Panel may be increased in size based upon a request of the Chair of the Panel.

#### **2.433.002.2 Qualifications**

- A. All members of the Ethics Review Board shall be current members of ASHRAE in good standing with a minimum of ten (10) years of continuous membership.
- B. Members shall have had no previous ethics disciplinary actions rendered against them and have no current open ethics investigations against them.

#### **2.433.002.3 Term of Service**

- A. Members and Alternates shall be elected annually for a single year of service and can be re-elected annually up to no more than eight (8) years of continuous service as a member or as an alternate.
- B. An alternate who has participated in processing a complaint (i.e., served on an Investigative Panel or on a Tribunal) is considered to have served one full year as a member of the Ethics Review Board.
- C. Interruption in service of two (2) or more years would allow a qualified individual to return to duty as an Ethics Review Board member or alternate for another eight (8) years of continuous service.

### **2.433.003 OPERATION**

- A. If travel is required for an investigation by an Investigative Panel or for a Tribunal to deliberate or to report its findings and recommendations to the BOD, then travel expenses will be reimbursed to Panel or Tribunal members upon request in accordance with the current ASHRAE travel reimbursement policy. It is not anticipated that Ethics Review Board members and alternates will need to travel to participate in Ethics Review Board activities other than those associated with an investigation and subsequent activity by a Tribunal.
- B. Investigative Panel or Tribunal members should generally not be from the region in which the alleged ethics violator is from and shall not have any conflict of interest with the case to be investigated or in which punishment is to be recommended.
- C. At the beginning of each year the ERB shall select a chair and vice chair from its membership. This chair and vice chair shall then become the chair and vice chair to represent the ERB for the remainder of that society year and into the next year until a new Chair and Vice Chair are elected.
- D. The ERB shall report directly to the BOD and shall communicate to the BOD as required. The designated chair, or vice chair when the chair is not available, of the Ethics Review Board shall generally report to the BOD in executive session at the winter and annual meetings on Ethics Review Board activity since the last meeting where a report was made. Interim reports may be made when requested by the Board or when circumstances dictate a more frequent need to report to the BOD.
- E. The ERB shall maintain a Manual of Procedures (MOP) that specifies in detail the procedures for investigating and adjudicating reported violations, making recommendations to the BOD on what actions should be taken, and appropriate reporting to law enforcement or regulatory organizations. The MOP shall be consistent with ROB 3.980. The MOP shall also cover requirements for keeping information confidential during and after investigations; such information includes the identities of complainants and of alleged violators of the Code of Ethics. ASHRAE's legal counsel shall review the ERB's MOP. ASHRAE's BOD shall have the responsibility for approving the ERB MOP.

## Attachment C

NOTE: ~~Strike throughs~~ shows deleted words and underline shows added words

### 3.980 Enforcement Procedures for Violation of the ASHRAE Code of Ethics

(07-01-31-17)

**3.980.001** Every member and body of the Society is responsible for upholding, supporting and enforcing the Code of Ethics. It is the preference of the Society to resolve ethical issues ~~on an informal basis~~ in a collaborative, non-confrontational manner before a complaint is made.

~~Where the informal process~~ Where such a less formal process is not appropriate or does not produce a satisfactory result, any member or body may initiate a formal written complaint requesting that the ~~Board of Directors (BOD)~~ ERB (Ethics Review Board), investigate a breach of ethics by a member or body. ~~The complaint should be forwarded in a confidential letter to the Board of Directors~~ A formal Complaint using the Ethics Complaint Form shall be forwarded to the ERB in care of the EVP (executive vice-president and chief staff officer). ~~(EVP)~~. The complaint shall clearly identify the complainant and ~~be in the form of a notarized affidavit~~ must be signed by a member of ASHRAE in good standing who is filing the complaint. The complaint's submittal, details, and parties involved shall be kept confidential by the ERB. If the complaint involves a member of the BOD or ERB, that person shall be recused from all deliberations and actions concerning the ~~complaint~~ complaint. Complaints filed against the EVP or other ASHRAE staff members shall be referred to the ASHRAE Manager of Human Resources.

**3.980.002** The complaint statement of allegations should include:

3.980.002.1 The name and address of the member or body whose conduct is the subject of the complaint.

3.980.002.2 A statement which sets forth with specificity the alleged conduct of the member or body whose conduct is the subject of the complaint. The statement should describe any efforts made to resolve the ethical issue on an informal basis, or state reasons why informal efforts were not taken. Specifics that shall be included as a minimum are the dates, times, event details (seminar, technical, business, social, committee, communications (e-mail, webinar, telephone, memorandum), etc.), context of circumstances surrounding event, any previous contact(s) made, any subsequent contact(s) made, history of contact or relationship between the accused and complainant, any political or religious issues involved, alcoholic beverages being consumed or served, etc.

3.980.002.3 The specific provisions of the Code of Ethics which the conduct is alleged to have violated.

3.980.002.4 The names and addresses of persons believed to have direct, first-hand, and relevant knowledge pertaining to the subject of the complaint. In addition, names of the persons (if any) that assisted the complainant to write the formal complaint shall be disclosed.

3.980.002.5 The identification and location of documentation or materials upon which the complaint is based.

3.980.002.6 A statement from the member submitting the complaint pledging full confidentiality until such time as the formal investigation is completed and declaring that they will be present at any hearing at which the complaint is being considered if so requested by the deliberating body.

**3.980.003** No complaint shall be considered if based on conduct more than ~~two~~ two-five years prior to the complaint or more than two years after the complainant would have reasonably been made aware of the activity forming the subject of the complaint.

**3.980.004** The EVP shall acknowledge receipt of the complaint within ~~a reasonable period~~two weeks of receipt. Copies of the complaint shall be distributed only to members of the ASHRAE ~~Executive Committee (ExCom) and to ASHRAE legal counsel.~~ to the ERB selected to investigate and evaluate the complaint (ROB 3.980.005 – 3.980.006). The member or body that is the subject of the complaint shall be given the legal definition of “due process” and shall be presumed, and treated as innocent until proven or adjudicated guilty by the process. The EVP shall log and keep record of all complaints, the ERB members selected to serve on any Investigative Panel or Tribunal formed and the final resolution of each complaint.

**3.980.005** — ExCom shall review the complaint and conduct a preliminary investigation. During this investigation, the names of the complainant and the subject of the complaint will be undisclosed to the extent possible. ExCom will decide to terminate the complaint or present the complaint to the BOD for consideration. If terminated, the complainant and the subject of the complaint will be notified in writing by the EVP, with a complete explanation of ExCom's action.

**3.980.005** The Ethics Review Board (ERB) shall consist of 2 members and an alternate from each Region per ROB 2.433. The Ethics Review Board shall report directly to the ASHRAE Board of Directors. To investigate and evaluate ethics-related complaints or issues, at least three (3) members of the ERB shall be selected by lot as an Investigative Panel and, if needed, three (3) other members of ERB shall be selected by lot to form a Tribunal. The selection for Investigative Panel or Tribunal shall exclude any member named in the allegations, Members from the same region of those being charged, member from the region of those making the allegations or any members with any other conflict of interest regarding the complaint. ERB members on the Investigative Panel shall not serve on the Tribunal for same complaint. If the breadth of the group for the complainant or the alleged violating party is so large as to not allow the exclusion of members from the same region, then they will be allowed as long as they are the not subject of or witness to the allegations or have other conflicts of interest with the parties represented. The EVP shall consult with ASHRAE legal counsel if there are questions about whether a conflict of interest exists for specific ERB members or staff.

**3.980.006** — ExCom may terminate the complaint investigation process at any time if there is any disclosure of the complaint or its contents by the complainant prior to the complaint being referred to the BOD, if the complainant fails to respond to a written request for further information within sixty days, or if the complainant has initiated legal proceedings based on the same or related circumstances underlying the complaint.

**3.980.006** The Members Council Regional Planning Subcommittee Chair will maintain the pool roster, assigning a number to each person, and provide only the numbers of eligible Ethics Review Board (ERB) pool candidates to the Members Council Regional Operations Chair to conduct the selection by lot. Once the Investigative Panel is formed, the responsibility for pursuing the complaint rests with the Panel, not the complainant. The Investigative Panel will conduct a preliminary investigation. The Panel is encouraged to consult with ASHRAE's legal counsel for any questions about the methods or contacts to be employed in the investigation. During this investigation, the names of the complainant and the subject of the complaint will be kept confidential inside the Panel (i.e., to those individuals interviewed by the Investigative Panel) to the extent possible. The Investigative Panel will decide whether to terminate the complaint as unfounded, find the complaint frivolous and malicious, or find that the complaint is valid, based on their investigation.

**3.980.007** — If the complaint is not terminated by ExCom, the presiding officer of the BOD may appoint a three-person tribunal to conduct a thorough investigation of the complaint. At the conclusion of the

investigation, the tribunal will schedule a confidential hearing to allow the member or body charged to respond to the charges. The respondent will be given thirty days' notice of the hearing before the tribunal or the BOD. The hearing may be in writing, electronic or face-to-face, at the option of the member or body charged. The hearing will be organized to minimize the cost and inconvenience to the complainant, respondent and members of the tribunal. The tribunal shall prepare a complete report to the BOD including a recommendation of BOD action. If the tribunal recommends that the BOD adjudicate the complaint, all deliberations shall be in executive session.

3.980.007 The Investigative Panel may, at its discretion, terminate the complaint investigation process and report doing so to the BOD at any time if there is any disclosure of the complaint or its contents by the complainant prior to the complaint being referred to the BOD, if the complainant fails to respond to a written request for further information within sixty days, or if the complainant has initiated legal proceedings based on the same or related circumstances underlying the complaint. Such unauthorized disclosure of the complaint by the complainant is in itself a violation of the ASHRAE Code of Ethics.

3.980.008 If terminated as unfounded, the Investigative Panel will forward a report to the EVP, and the complainant and the subject of the complaint will be notified in writing by the EVP, with a complete explanation of the Investigative Panel's action. The identity of the complainant shall not be disclosed to the subject of the complaint.

3.980.009 If the Investigative Panel finds the complaint frivolous and malicious, the EVP will be informed of the findings and a Tribunal will be selected by lot to evaluate the findings regarding the filer(s) of the complaint. The Investigative Panel will conduct a full detailed investigation of the filer of the allegations and their reasons to do so. Filing frivolous and malicious complaints is in and of itself an Ethics Violation and investigation will be conducted on those filing the complaint. A Tribunal shall be formed (ROB 3.980.005) and the Investigative Panel shall deliver all evidence they have collected to the Tribunal and be available to the Tribunal to answer any questions or perform further investigation.

3.980.010 If the Investigative Panel finds the complaint valid, the EVP will be informed of the findings and a Tribunal will be selected (ROB 3.908.005) to evaluate the findings and recommend appropriate actions... The Investigative Panel shall deliver all evidence they have collected to the Tribunal and be available to the Tribunal to answer any questions or perform further investigation.

3.980.011 As soon as the EVP is informed by the Investigative Panel that allegations have not been dismissed as unfounded, the EVP shall confidentially notify the accused and accusing parties that charges have been put forward, a Tribunal has been formed, and a detailed investigation is underway. The BOD will be informed of the nature of the complaint, if it was found frivolous and malicious, and that a detailed investigation is underway.

3.980.0112 The Tribunal shall schedule a confidential hearing to allow the member or body charged to respond to the charges. The respondent shall be given thirty days' notice of the hearing before the Tribunal. The hearing may be in writing, electronic or face-to-face, at the option of the member or body charged. The hearing will be organized to minimize the cost and inconvenience to the complainant, respondent and members of the Tribunal. Based on their evaluation of the evidence and testimony of involved parties, the Tribunal shall determine the level of violation and recommend action(s) to be taken. The Tribunal may choose to recommend dismissal of the allegations as unfounded, counsel and educate the accused for a minor violation, recommend more severe action, or recommend other actions it deems appropriate. The Tribunal's disposition of the complaint shall be in the form of a complete report to the BOD, with recommendations for action. All deliberations of the Tribunal shall be in executive session.

3.980.013 The BOD shall consider the Tribunal's report and recommended actions. The BOD may also request additional information from members of the Tribunal, the Investigative Panel, or other involved parties, consistent with advice from ASHRAE's legal counsel. By a simple majority of voting members, the BOD shall determine the actions to be taken in response to the complaint. The BOD may

censure, warn, suspend or expel a member or members if they are found to have violated the Code of Ethics. Any action against members will be governed by the provisions for discipline in the Society Bylaws. All deliberations of the BOD shall be in executive session.

Commented [TEW1]: Wording is in current ROB 3.980.008

3.980.014 A copy of all ethics violation documentation will be held confidentially by the ASHRAE Human Resources Department. The records shall be available for review by future Investigative Panels and Ethics Tribunals, as well as by the BOD, for evaluating any future complaints involving the same member. The ASHRAE HR Department shall prepare a summary of the infraction and actions taken, with identities of participants removed; this shall be made available to future ERBs and BOD investigating or deliberating about similar infractions, in order to familiarize ERB and BOD with relevant precedent. As future ethics complaints are made, the EVP or, if the EVP has a conflict of interest or other involvement, the ASHRAE HR manager shall notify the ERB that there it has a report of a relevant/related ethics violation.