



American Culinary Federation

## Certification Commission Policies & Procedures

American Culinary Federation, Inc. • 180 Center Place Way • St. Augustine, FL 32095 • Toll-free: (800) 624-9458 • Fax: (904) 940-0741 • [www.acfchefs.org](http://www.acfchefs.org)

### Introduction

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

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

**Purpose:** The Certification Commission’s purpose shall be to develop, implement, and validate any professional certification programs conducted by ACF in accordance with the Certification Commission policy and procedures.

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

**Autonomy:** The Commission’s governance structure, policies and procedures shall ensure autonomy in decision making regarding important aspects of the certification program, such as eligibility standards, the development, administration, and scoring of the assessment instruments, and operational processes.

### Commission Composition

**Commission Membership:** The Commission shall consist of not less than 9 and not more than 13 individuals, not more than half of which are selected and appointed by the Board of Directors; with the balance selected and appointed by the Commission Executive Committee. The Commissioners shall serve terms of two years each on a staggered basis, with candidates to fill vacancies being recommended by the Chairperson of the Commission and being approved by the ACF Board of Directors. In no event shall the ACF Board appoint more than half of the Commission. In addition, the Certification Chair and Commission Executive Committee are responsible for monitoring and maintaining the required Commission composition. The required balance threshold defined in the Policies and Procedures will be implemented and routinely tracked.

The Commission shall include among its membership, at minimum, one public member, one representative from each ACF region, one CMC<sup>®</sup>, one CEPC<sup>®</sup>, one CC<sup>®</sup>, one CEC<sup>®</sup> and rotating representation from each of the following ACF certifications: CPC<sup>®</sup>, CSC<sup>®</sup>, CWPC<sup>®</sup>, CCC<sup>®</sup>, CMPC<sup>®</sup>, PCC<sup>™</sup>, PCEC<sup>™</sup>, CCA<sup>®</sup>, CSCE<sup>®</sup>, CCE<sup>®</sup>

One public member shall be an individual who is not a practitioner of the culinary arts, foodservice/ management, culinary arts education, certified by the ACF, or foodservice/management education and who appreciates the importance and the role of certification and shall represent the public’s interest in certification decisions. The Commission Chair will appoint a vetting task force responsible for executing a “call for public member.” The public member will be drawn from ACF stakeholder groups, including the public and allied partner industries, but will not be a chef. The task force will compile, review, and recommend candidates for consideration to fill the public member position to the Commission Chair. The Chair will contact all candidates and review results with the Executive Committee. The full Certification Commission will review the recommendation of the Executive Committee of the Commission and approve appointment of the public member to the Certification Commission by majority vote.

Should a Commission member’s certification level change, the next appointment to the Commission will fill this vacated certification level. Due to potential conflicts of interest, individuals holding the following positions shall not be permitted to serve as members of the Certification Commission:

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

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

The Commission Executive Committee shall select and appoint half of the members while the Board of Directors shall select and appoint the remainder consistent with the composition terms outlined in these policies. If the profiles of the nominees submitted don't fit the composition terms outlined in these policies, the Executive Committee shall seek other appointees. At alternate summer Certification Commission meetings, the Certification Commission shall elect its Chair-Elect to take office in January of the following year. The elected Chair-Elect shall automatically assume the role of Chair after his or her Chair-Elect term is complete. The Chair shall automatically assume the immediate Past Chair role after his or her Chair term is complete.

**Term Limits and Vacancies:** The Commissioners shall serve terms of two years each on a staggered basis, with candidates to vacancies recommended by the Chairperson of the Commission and approved by the Executive Committee. The Board of Directors must be notified of vacancies and selections. Each Commissioner, including the Chairperson of the Commission, may serve no more than four terms.

**Reappointment:** If a Certification Commission member is reappointed to the Certification Commission for a second two-year term, the ACF Board of Directors must be notified of the reappointment.

**Executive Committee:** The Executive Committee shall consist of the Commission Chair, Chair-Elect, and the Past Chair. The Executive Committee is responsible for any and all actions required of the Commission between regularly scheduled meetings. These actions shall include review of notices of substantive changes, complaints against certification standards or procedures or other occasions requiring interim actions.

**Meetings:** The Executive Committee meetings shall be held in person, or by audio or video conference. In person meeting locations shall be determined by the National office. The Chair shall preside at all meetings of the Certification Commission, shall see that orders and resolutions of the Commission are carried out, shall represent the Commission, and have primary responsibility for carrying out the functions of the Commission. A Board Liaison shall be present at all meetings.

The Chair-Elect shall have the authority to perform all of the duties of the Chair when the latter is unavailable or unable to perform them, and shall perform other tasks as delegated by the Chair. The Past Chair shall have the authority to perform all of the duties of the Chair when the Chair and Chair-Elect are unavailable or unable to perform them, and shall perform other tasks as delegated by the Chair.

**Vacancies:** If the Chair vacates his or her position, the Chair-Elect shall assume the position and begin a new 2-year term, effective immediately. The Chair-Elect must have served on the Commission for at least one year on no more than two years as to not exceed the maximum term of service of eight years. The Commission shall then elect a Chair-Elect to complete remaining term. The Past Chair shall be offered the opportunity to begin a new two-year term. If the offer is declined, the Commission shall appoint an interim member to the Executive Committee for the two-year term.

If a member of the Certification Commission vacates his or her position, a new member may be recommended by the chairperson of the commission and the ACF Board of Directors must be notified. Maximum term of service is eight (8) years.

## Commission Member Responsibilities

**Responsibilities:** The Certification Commission members' responsibilities include:

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

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**Member Participation:** Commission members are expected to attend regular and/or conference call meetings of the Certification Commission in order to maintain the balance of representation needed to make Commission decisions. Commission members are required to attend 75% of the meetings within a 12-month period. If a Commission member misses two consecutive meetings, they will receive a phone call or letter regarding their absences from the Certification Commission. Any Commission member absent for three consecutive meetings will come before the Certification Commission Chairperson for review and possible dismissal from the Commission. If a Commission member does not meet this requirement, he or she may be removed and asked to serve at a later date if eligible. In the event of this occurrence, the policy of filling vacancies will be followed. All non-public committee members must be a member in good standing. The ACF National Continuing Education Hour (CEH) policy will be followed in relation to participation.

**Member Removal:** A Certification Commission member who was appointed by either the ACF Board of Directors or the Certification Commission, may be recommended for removal for any action that is determined by the Executive Committee to be detrimental to the best interests of the ACF certification programs. Removal of any member shall be by recommendation of the Executive Committee and by majority vote by the full Commission (except the member proposed for removal). If a Board of Directors appointee to the Commission is recommended for removal, the Board of Directors must be notified of the recommendation. If a Certification Commission appointee is recommended for removal, the member's removal is approved by the Certification Commission. The ACF Board of Directors will be notified of any member removal by the Board Liaison and the Executive Director.

**ACF Board of Directors Liaison:** The ACF President appoints a current Board of Director member to serve as liaison between the Certification Commission and the ACF Board of Directors. The Board Liaison submits a report to the ACF Board of Directors at quarterly meetings. The ACF Board Liaison does not exert any authority over essential certification decisions, which are reserved solely to the Certification Commission, consistent with the ACF Bylaws, Article VII, Section 6(3).

**Staff Liaison:** The ACF Executive Director serves as the principal administrator of the American Culinary Federation and reports to the ACF Board of Directors. The Executive Director also generally oversees the staff (ACF employees) who report to the Certification Commission. The ACF Executive Director does not exert any authority over essential certification decisions, which are reserved solely to the Certification Commission, consistent with the ACF Bylaws, Article VII, Section 6(3). The ACF Certification Director reports to and serves as the principal operational liaison to the Certification Commission.

## Subcommittees and Task Forces

**Standing Subcommittees:** The following are standing subcommittees of the Certification Commission. The Subcommittees will work within the established Commission Policies and Procedures, conduct business by conference call or meeting based on the designated scope of work, and shall provide biannual reports to the Commission.

- Appeals Subcommittee
- Certification and Recertification Requirements Review Subcommittee
- Practical Exam Operations Subcommittee
- Written Exam Advisory Subcommittee

Ad Hoc Subcommittees and Task Forces may be established and appointed as needed by the Certification Commission. The Executive Committee has the discretion to reappoint subcommittee chairs as long as it coincides with the member's time on the commission. Subcommittee members can be appointed for two, two-year terms.

## Appeals Subcommittee

### Purpose & Scope:

- Considers and makes determinations on appeals made by candidates for certification;
- Develops and maintains the policies and procedures for the ACF Appeals Subcommittee.

### Responsibilities & Duties:

- Resolves ACF Certification appeals based on ACF Certification Commission Policies & Procedures;
- Recommends for Commission approval policies, procedures and associated materials related to the ACF Appeals Process;
- Attends meetings and serves on committees and/or in roles as requested by the Subcommittee Chair and ACF staff liaison.

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- **Chair:** The Chair shall preside at all Subcommittee meetings and see that orders and resolutions of the Subcommittee are carried out and provide a biannual report to the Certification Commission and National Office.

## **Composition & Vacancy:**

- Comprised of a Chair and at least four additional members (at least one from each region);
- Members shall be current and active ACF members.
- At least 50% (but preferably 100%) of subcommittee members shall be ACF certified;
- All members shall serve a 2-year term and must be available to carry out the work of the Subcommittee;
- Subcommittee members cannot be part of the ACF Board of Directors, Certification Commission, Exam Subcommittees.
- The Chair will be appointed by the Certification Commission and shall serve a 2-year term and cannot be a member of the Certification Commission.
- **Vacancy:** If a member vacates their position before the end of his or her term, the Chair of the Subcommittee will fill the vacancy for the remainder of term.

## **Certification and Recertification Requirements Review Subcommittee**

### **Purpose & Scope:**

- Determines the requirements and standards necessary for initial certification and recertification;
- Develops the policies and procedures for ACF initial and recertification;
- Develops retention policies, communication/outreach and acceptable professional development for continuing education hours.

### **Responsibilities & Duties:**

- Approves requirements for recertification to measure or enhance the continued competence of certificants as stated in NCCA Standard 20;
- Defines and identifies professional development activities;
- Recommends for Commission approval policies, procedures and associated materials related to the initial certification process and recertification process (NCCA Standard 19);
- Attends meetings and serves on committees and/or in roles as requested by the Subcommittee Chair and ACF staff liaison.

### **Composition & Vacancy:**

- Comprised of a Chair and at least four additional members (at least one from each region);
- Members: Members shall be current and active ACF members.
- Members are selected based on culinary, education and certification expertise;
- At least 50% (but preferably 100%) of subcommittee members shall be ACF certified;
- All members shall serve a 2-year term and must be available to carry out the work of the subcommittee;
- Members are appointed by the Chair of the Subcommittee and in accordance with the policy and procedures defined by the Certification Commission.
- **Chair:** The Chair will be appointed by the Certification Commission and must be a member of the Certification Commission.

### **The Chair:**

- Shall serve a 2-year term;
- Shall preside at all subcommittee meetings;
- Shall see that orders and resolutions of the subcommittee are carried out;
- Shall provide a biannual report to the Certification Commission and National Office.

- **Vacancy:** If a member vacates their position before the end of his or her term, the Chair of the subcommittee or task force will fill the vacancy for the remainder of term.

## Practical Exam Operations Subcommittee

### Purpose & Scope:

- With guidance from ACF's psychometric consultant, the Subcommittee will develop the practical certification exams, monitor their performance as well as oversee all aspects of the practical exam process;
- Develop the policies and procedures for the practical exam process including developing plan for recruiting, training and maintaining a qualified field of evaluators, test administrators and requirements for approved test facilities.

### Responsibilities & Duties:

- Provides training, retraining and guidance to practical exam evaluators, candidates and test sites;
- Recommends for Commission approval policies, procedures and associated materials related to the ACF practical exam process;
- Attends meetings and serves on committees and/or in roles as requested by the Subcommittee Chair and ACF staff liaison.

### Composition & Vacancy:

- Comprised of a Chair and at least five additional members (at least one from each region);
- Members: Members shall be current and active ACF members.
- Members are selected based on culinary, evaluation and administrative expertise;
- All subcommittee members shall be ACF certified;
- All members shall serve a 2-year term and must be available to carry out the work of the subcommittee;
- Members are appointed by the Chair of the Subcommittee and in accordance with the policy and procedures defined by the Certification Commission.
- **Chair:** The Chair will be appointed by the Certification Commission and must be a member of the Certification Commission.

### The Chair:

- Shall serve a 2-year term;
- Shall preside at all subcommittee meetings;
- Shall see that orders and resolutions of the subcommittee are carried out;
- Shall provide a biannual report to the Certification Commission and National Office.
- **Vacancy:** If a member vacates their position before the end of his or her term, the Chair of the subcommittee or task force will fill the vacancy for the remainder of term.

## Written Exam Advisory Subcommittee Purpose & Scope:

- With guidance from ACF's psychometric consultant, the Subcommittee will develop the written exams, monitor their performance as well as oversee all aspects of the written exam process;
- Oversee all aspects of the written exam process including development of the policies and procedures for the written exam process including developing the written exam processes, policies and procedures.

### Responsibilities & Duties:

- Research and respond to inquiries regarding written exam questions;
- Review and monitor written exam performance through testing company reports. Make recommendations and provide feedback to Certification Commission.

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- Recommends for Commission approval policies, procedures and associated materials related to the ACF written exam process in accordance with NCCA Standards.
- Attends meetings and serves on committees and/or in roles as requested by the Subcommittee Chair and ACF staff liaison.

## **Composition & Vacancy:**

- Comprised of a Chair and Co-Chair from the Commission membership and no more than two additional persons to work with contracted testing company and Subject Matter Experts (SMEs);
- Members: Members shall be current and active ACF members.
- Members are selected based on culinary and management expertise;
- Members shall be ACF certified;
- All members shall serve a 2-year term and must be available to carry out the work of the subcommittee;
- Members are appointed by the Chair of the Subcommittee and in accordance with the policy and procedures defined by the Certification Commission.
- **Chair:** The Chair will be appointed by the Certification Commission and must be a member of the Certification Commission.

## **The Chair:**

- Shall serve a 2-year term;
- Shall preside at all subcommittee meetings;
- Shall see that orders and resolutions of the subcommittee are carried out;
- Shall provide a biannual report to the Certification Commission and National Office.
- **Vacancy:** If a member vacates their position before the end of his or her term, the Chair of the subcommittee or task force will fill the vacancy for the remainder of term.

## **Commission, Subcommittee and Task Force Processes**

**Quorum/Voting:** A quorum shall consist of a simple majority of the current membership. Unless otherwise specified herein, all decisions shall be by simple majority vote of the members present at a meeting. All motions or decisions will be taken as a recommendation to the next regularly scheduled Certification Commission meeting by the Chairperson. Any action that could be taken at a meeting, may be taken upon the affirmative vote, by phone, or by electronic communication where all members can communicate with one another. With the exception of elections, all commission votes will be open, meaning the members will need to identify their vote either in person, via phone or electronically. Only the results of the vote will be public record.

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

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

**Regular Meetings:** The Commission shall convene at least two regular meetings per year. The Commission Chair shall select the time and place of each meeting and shall give 30 days' written notice to Commission members.

Subcommittee and Task Forces shall hold at least two meetings per year via telephone conference call and more often if determined necessary based upon the scope of work for the year. Meetings are called by the Chair of the respective Subcommittee.

**Special Meetings:** Special meetings shall be called by the Commission Chair or a majority of the Commission. Notice of a meeting is to be given not less than 5 days before the meeting.

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

**Conflict of Interest & Confidentiality:** All members of the Commission and Subcommittees and Task Forces must sign the ACF

Certification Commission Conflict of Interest and Confidentiality Agreement prior to their term of service, and must renew their signatures upon that agreement at least annually.

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

At a minimum frequency of two years, the Executive Committee shall appoint a Task Force of Commission members to conduct a review of Commission policies and recommend any additions or changes to the Commission. Changes to the policies must be approved by two-thirds vote of Certification Commission members voting at which a quorum exists and all changes and approval will be communicated to the ACF Board of Directors by the Board Liaison and the Executive Director.

## Responsibility to Stakeholders

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

All certification personnel (hired and contracted) and members of the Certification Commission and its Subcommittees shall sign a confidentiality agreement prior to service to the Commission and must renew their signatures upon that agreement at least annually.

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

**Conflict of Interest:** Each member of the Certification Commission and its Subcommittees shall sign the Commission's conflict of interest statement prior to service to the Commission, and annually thereafter while service continues.

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

**Review Courses:** The Certification Commission does not sponsor, accredit nor endorse review courses for its certification examinations.

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

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

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

**Use of the Certification Title and Initial Designation:** All ACF logos, trademarks, certification marks and registered designations (hereinafter collectively referred to as the "Designations") are owned and controlled by the Certification Commission on behalf of the ACF. Use of an ACF Designation is granted by the ACF to qualified certificants as described below, who satisfy all applicable certification, application or eligibility requirements. Consistent with applicable law and corporate policies, the ACF will monitor all uses of its Designations to ensure that the Designations are used properly and correctly, as they represent the ACF to the public. The overall purpose of this Policy and Procedure is to provide information, guidelines and requirements to the ACF certificants, stakeholders and supporters regarding the proper use of the ACF Designations.

The ACF retains all ownership rights to its Designations. The ACF therefore reserves, and may use, the full range of legal remedies and certification-related sanctions available under applicable laws and corporate policies and procedures to protect its Designations. Infringement of any ACF Designation will be challenged. Inappropriate or incorrect uses of any ACF Designation may,

therefore, be subject to organizational or legal action for Designation infringement and other claims if such uses are contrary to law or corporate policy, e.g., where a use creates a likelihood of confusion with the proper use of any ACF Designation, without regard to the certification or approved status of the party involved.

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

Only those authorized certificants can use the designations.

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

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

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

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

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

## Appeals

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

### First Level Appeal

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

### Appeal Review and Determination

The appeal shall be considered at the next regularly scheduled meeting of the Appeals Subcommittee or within forty-five (45) days, whichever comes first. The Subcommittee, with the assistance of staff, shall review the written record and may conduct an investigation into the facts through any reasonable means, including interviews. The confidentiality of the matter will be maintained

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

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

### **Appeal Determination Impacting Others**

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

### **Second Level Appeal**

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

### **Second Level Appeal Review and Determination**

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

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

## **Ethics Review and Disciplinary Action**

### **Preamble**

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

### **1. Complaint**

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

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

### **2. Preliminary Review of Complaint**

The Certification Commission Executive Committee and appropriate certification staff will review the complaint to determine if all the required information has been submitted by the complainant and whether the complaint is valid and actionable. The Executive

Committee will not review frivolous or inconsequential matters, or any personal or commercial disputes; the conduct of the certificant is the sole factor for consideration.

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

### **3. Response**

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

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

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

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

### **4. Review Panel**

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

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

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

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

### **5. Determination of Violation**

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

- **Censure:** A written reprimand expressing disapproval of conduct. It carries no loss of certification status, but may result in removal from office at the national and local levels and from committee membership. Censure may be public or private.
- **Counseling/Probation:** A directive to allow for correction of behavior specified in complaint. It may include mandatory participation in remedial programs. Failure to successfully complete these programs may result in other disciplinary action being taken. It carries no loss of certification status. Counseling/probation may be public or private.
- **Suspension:** Temporary loss of certification and all benefits and privileges for a specified time. At the end of the specified suspension period, certification benefits and privileges are automatically restored. Suspension is a public action.
- **Revocation of Certification:** Loss of certification; loss of all benefits and privileges. Upon revocation, the former certificant shall return the certification certificate to the Certification Commission for the American Culinary Federation. Specified time for reapplication to be decided on a case-by-case basis, but, at minimum, current recertification requirements would need to be met. A credential will not be re-issued until the Certification Commission determines that the reasons for revocation have been removed. Revocation is a public action.

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

## 6. Appeal to Certification Commission

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

The Certification Commission Executive Committee reviews the decision of Review Panel. The Commission's review and determination are based entirely on the written record and the presentation by the representative of the Review Panel. The Commission shall only review whether the determination of the Review Panel was inappropriate because of **1)** material errors of fact or **2)** failure of the Panel to conform to the published criteria, policies, or procedures. Only facts leading up to and including the time of the Panel's determination shall be considered during an appeal. The appeal shall not include a hearing or any similar trial-type proceeding. The Commission may accept, reject, or modify the Panel's determination, either with respect to the determination of a violation or the recommended sanction to be imposed. The Executive Committee will render a written determination, specifying the reasons for its decision, if applicable, and citing any provision(s) of the ACF Certification Code of Ethics that may have been violated or other conduct that has resulted in disciplinary action. The written determination will be communicated within fourteen (14) days of the Commission's decision to the certificant and to the certificant's employer, if applicable.

## 7. Confidentiality Procedures

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

## 8. Resignation

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

## Certification, Assessment and Test Development Policies

After certification program accreditation, all candidates must meet the certification requirements as outlined in candidate manuals and that exceptions and waivers to these requirements are not allowed.

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

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

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

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

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

**Recertification Policies:** Recertification is required every five years (except for CC® and CPC® which are required to recertify every three years). To maintain ACF CC® or CPC® certification, culinarians are required to earn a minimum of 48 continuing education hours (CEHs) during the three-year certification period. For all other levels, recertification requires 80 CEHs during the five-year certification period. The number of CEHs required was determined so that, on average, a chef would complete 16 CEHs per year keeping them current and up-to-date on culinary trends and practices.

CEHs are experiences that assist in the development or enhancement of the knowledge and skills directly related to the individual's professional occupation. ACF recommends chefs maintain a folder with copies of official certificates and letters, conference registrations, transcripts, etc. in order to keep track of their progress.

On the first recertification, the three mandatory 8-hour refreshers in sanitation, nutrition and supervisory management are required as part of the total CEHs. On the second and subsequent recertification cycles, only an 8-hour sanitation refresher is required as part of the total CEHs. The remaining CEHs required are self-directed toward a chef's specific professional development plan.

If multiple certifications are held, the CEH requirement is 80 CEHs for the first, or primary certification, 40 CEHs for the second certification and 20 CEHs for each subsequent certification. (Example: Chef Jones currently holds a CCE®, CEC®, CCA®. When she is ready for recertification, she will need to complete 80 for her first certification, CCE®, then 40 for her second CEC® and 20 for her third, CCA® which will total 140 continuing education hours.)

If a certificant allows their certification to expire, they are granted a 90-day grace period to finalize and submit their recertification application with necessary documentation and payment.

If an expiration surpasses the grace period, they must adhere to the Recertification after Expiration Policy. The policy has provisions in place to allow chefs to recertify if their certifications have expired 36 months in the past or less. If certification expiration date is longer than 37 months ago, candidates must certify based on all current eligibility requirements including education, mandatory courses/ refreshers and relevant work history as well as the testing requirements (written and practical examinations).

## Conflict of Interest and Confidentiality Agreement

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

1. I will not disclose or cause to be disclosed to anyone outside of the Certification Commission, its Subcommittees, or hired or contracted personnel any confidential information related to any candidate or certificant; information about examination results that is discovered through participation in Certification Commission activities; Certification Commission decisions and actions related to such applications (including disciplinary actions); Certification Commission finances; and other related information. This obligation shall apply at all times and in any circumstance, unless otherwise directed by the Certification Commission or required by law, and shall survive after my term or involvement expires.
2. I will keep all such confidential information in my possession in a safe and secure place, and will take all reasonable steps to protect against inadvertent disclosure or theft of the information. If I discover a breach of security, I will immediately contact the certification manager and relay complete and detailed information regarding the incident.

# Certification Commission Policies & Procedures

American Culinary Federation, Inc. • 180 Center Place Way • St. Augustine, FL 32095 • Toll-free: (800) 624-9458 • Fax: (904) 940-0741 • www.acfchefs.org

3. Upon expiration of term with the Certification Commission or one of its Subcommittees or upon ending my involvement with other Commission activities, I will promptly return to the staff the confidential information received or acquired relating to the certification programs.
4. I assign to the Certification Commission all right, title, and interest in any information or material developed, conceived, modified, or created relating to the certification program.
5. I agree not to engage in actions that may constitute an actual, apparent, or potential conflict of interest with the mission and activities of the Certification Commission and will disclose to the Certification Commission any such conflicts of interest and any business, financial, personal, and organizational interests and affiliations that are or could be construed to be a conflict of interest. I further agree to recuse myself from participation and deliberation on any matter for which I have any significant conflict of interest and agree that the Certification Commission has the ultimate authority to make decisions regarding conflicts of interest and recusal from deliberation or voting.
6. I will not in a false, misleading, or deceptive manner reference participation in the Certification Commission's activities.
7. I will not, for a period of at least two years, be directly involved in any preparation or delivery of exam preparation information beyond what the ACF Certification Commission shares with the general public (i.e., that which would be considered "insider knowledge"). This statement does not preclude the normal faculty activities of academic instruction.
8. All volunteers are expected to meet any "requirements for service" set by ACF i.e., Anti-Harassment Training.

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

First Name: \_\_\_\_\_ MI: \_\_\_\_ Last Name: \_\_\_\_\_ ACF #: \_\_\_\_\_

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