

Addendum to the NASD *Handbook 2005-2006*: Part 1 of 2

National Association of Schools of Dance

September 2006

The amendments to the Code of Ethics outlined below were ratified by the Membership on Friday, September 15, 2006. Amendments to the Rules of Practice and Procedure were ratified by the Board of Directors on Thursday, September 14, 2006.

Revisions set forth in Parts 1 and 2 of this Addendum are effective immediately. All institutions and evaluators must follow standards and guidelines reflected in the current *Handbook* and any addenda current at the time of application.

CODE OF ETHICS

NASD *Handbook 2005-2006* – pages 21-22

Replace current text in its entirety with the following:

ARTICLE I

Basic Responsibilities

Section 1. Each institution shall ensure that administrators, faculty members, and staff understand and abide by (a) the ethical and operational procedures and codes subscribed to by the institution, including the NASD Code of Ethics and Rules of Practice and Procedure, and (b) the laws and regulations applicable to the work of the institution as ratified, implemented, and adjudicated by federal, state, and local authorities.

Section 2. An institution's personnel shall not discredit other member institutions by disparaging the character, nature, quality, value, or scope of their courses of instruction or services; or by imputing to them dishonorable conduct, or by adversely reflecting on them in any other material respect.

ARTICLE II

Student Recruitment

Section 1. Recruitment policies and procedures shall demonstrate concern for the needs of students, the institution, and the national effort in the education and training of dance professionals.

Section 2. It is ethical for an institution to utilize procedures and techniques to develop a student body with the highest possible qualifications. However, such procedures and techniques must be applied in a national framework of common practice as outlined in this Code to protect the interests of both students and institutions.

Section 3. Institutions shall meet NASD Standards regarding published materials and Web sites in fulfillment of their responsibility to provide accurate public information.

Section 4. Students are free to attend the institutions of their choice. However, at an appropriate point in time, a commitment in writing must be made between students and institutions. At such a point, administrators, faculty members, students, and all other parties involved must clearly state the nature of these commitments, the schedules for their implementation, and the conditions under which such commitments may be released by any or all of the parties.

ARTICLE III

Transfer Students

No member institution may actively recruit a student presently enrolled in another institution, unless the student will complete the normal program of study prior to the proposed time of transfer. It is ethical, of course, to accept for transfer a student who applies for admission to the new school of his or her own volition.

ARTICLE IV

Faculty Appointments

Section 1. Article IV. of the NASD Code of Ethics is intended to apply to the conduct of member institutions and their employees or agents who are involved in the negotiation of faculty employment agreements or appointments on behalf of their respective institutions. It is not intended to govern the activities of individual faculty members who may seek employment with other institutions. The purpose of the provision is to encourage communications between institutions so as to avoid, to the extent possible, last-minute disruptions in faculty coverage that could significantly impact an institution's ability to fulfill its artistic and academic obligations to its students.

Section 2. Inquiries about an individual's interest in and conversation concerning a new, full-time academic appointment are in order at any time of the year.

Section 3. Institutions hiring faculty who are employed full-time at other institutions under a written contract that contemplates continuation of such employment for some or all of the next academic year shall be mindful of their responsibility to secure the approval of the chief administrative officer of the original institution when an employment offer in the form of a written contract is made during, or so close to, the ensuing academic period as to threaten major disruptions in the original institution's ability to fulfill its artistic and academic obligations to its students during that period.

Those institutions using an academic calendar should contact the chief administrative officer of the original institution when such offers of employment are made after April 1 for the following academic year.

ARTICLE V

Compliance

If the parties involved cannot resolve an alleged violation, an appeal, in the form of a detailed letter, shall be filed with the NASD Executive Director, who shall then institute the process outlined in the Procedures for Reviewing Complaints Directed Against Member Institutions of the National Association of Schools of Dance (see Rules of Practice and Procedure).

ARTICLE VI

Amendments

The Code of Ethics may be amended by a majority vote of the delegates present at any Annual Meeting at which a quorum is present, provided a written notice of the proposed amendment, with Board review and recommendation, be sent to all institutional members at least four weeks prior to said meeting.

RULES OF PRACTICE AND PROCEDURE

NASD Handbook 2005-2006 – page 28

Article IV. Association Procedures

Section 7. Commission Procedures in Extreme Matters of Institutional Viability and Integrity

Replace current text with the following:

When the Commission has cause to believe that an institution's non-compliance with NASD consensus-based standards and/or Code of Ethics threaten its fundamental viability or integrity because –

- A. the fundamental purposes of the institution or dance unit cannot be fulfilled; or
- B. there are serious conditions that cause major adverse effects on the overall financial viability or operational integrity of the institution or dance unit; or
- C. the program or programs, or courses or study, offered in the academic catalog of the institution cannot be delivered; or
- D. the institution or dance unit is deliberately misrepresenting itself or its program(s) to students and the public in categories of published information required by NASD Standards;

the Commission may request the institution to provide written information documenting the relationship between conditions at the institution and/or the dance unit and compliance with applicable NASD Standards.

If information is not forthcoming within the time stipulated, or the Commission finds that, with respect to the institution or the dance unit, institutional viability has been lost, is in jeopardy, or that institutional integrity has been seriously undermined, the Commission may –

- A. with regard to an institution that is an applicant, but not yet a member, cease the application process.
- B. with regard to a member institution,
 - 1. issue an order requesting that the institution show cause why its membership status should not be revoked, and providing an appropriate timeline for reply and suggested corrective actions; or
 - 2. in extreme cases, immediately sever the relationship between the institution and NASD by revoking or terminating accreditation.

The institution may appeal the decision of the Commission in accordance with the NASD Appeals Procedure.

NASD Handbook 2005-2006 – pages 30-34

Article VII. Procedures for Reviewing Complaints Directed Against Member Institutions of the National Association of Schools of Dance

Replace Article VII in its entirety with the following:

Section 1. Purpose

- A. NASD

Occasionally, NASD receives complaint inquiries or complaints against member institutions. The policies and procedures in Article VII. are solely for the purpose of addressing questions of compliance with NASD Standards, procedures, rules, and the Code of Ethics as published in the *NASD Handbook* including any addenda to the *Handbook* current at the time of the inquiry or complaint. These texts and

their interpretation by NASD staff and elected personnel are the sole bases for reviewing complaints. NASD does not consider complaints on issues that are beyond the scope of these documents.

B. Potential Complainants

Individuals considering filing a complaint against a NASD member institution must give careful consideration to the nature of the potential complaint and match what they hope to achieve with the means, procedures, and remedies available. Accrediting organizations are non-governmental and thus, do not have governmental powers. Their scopes of review are limited, operating only within their own published materials. Many types of complaints fall outside the purview of accrediting bodies and can only be addressed and adjudicated by the internal complaint procedures of educational institutions, or by external structures such as law enforcement agencies, courts of law, state or federal administrative agencies, or private sector organizations associated with business practices or dispute resolution. Matters of a criminal nature are the responsibilities of law enforcement, public prosecutors, or the attorneys general of the several states. Individuals with intentions of filing complaints against member institutions should ensure that the nature and intent of the complaint fall within the scope of NASD by studying Section 2. below.

Section 2. Eligibility

A. General Principles

1. NASD policies and procedures for reviewing complaints are not judicial (parties are not found guilty; awards are not made; reversals of decisions cannot be mandated); they serve only as a method or means to communicate allegations, determine facts, and resolve issues within the stated purposes and scope of NASD accreditation and membership, *i.e.*, whether the institution is in compliance with the NASD consensus-based standards, rules, and Code of Ethics currently in effect.
2. In order to be considered, complaints must report and document conditions that jeopardize the overall quality of an institution's educational program in dance and/or the general welfare of the dance unit to the extent that the institution is no longer in compliance with NASD standards or requirements. Unless documentation shows a pattern of behavior, action, or inaction that impairs attainment of the institution's stated purposes or otherwise suggests direct violation of NASD Standards, rules, and/or Code of Ethics for member institutions, the Association is not authorized to intervene.

B. A complaint may be eligible for review if it:

1. is presented in writing.
2. is forwarded to the NASD National Office by U.S. Mail or courier service. E-mail, facsimile, and verbal transmissions are not acceptable.
3. is signed by the complainant.

(Please note: NASD will not confirm receipt of or respond to complaints that do not meet the requirements outlined in items B.1., 2., and 3. above.)

4. includes a signed copy of the NASD Official Complaint Form.
5. presents itemized issues or concerns directly related to specific NASD Standards, rules, or the Code of Ethics as published in the NASD *Handbook* and any addenda to the *Handbook* current at the time of the complaint, and includes specific, factual documentation corroborating each concern raised.
6. presents evidence that the institutional review or grievance procedures available and applicable to the complaint and complainant have been completed or exhausted.
7. is not subject to the criteria set forth in item C. below.

C. A complaint is not eligible for review if it:

1. contains inflammatory and/or undocumented defamatory statements regarding an individual or an institution.
2. alleges criminal conduct.
3. seeks a review or adjudication of individual problems or grievances with an institution or its decisions regarding issues such as, but not limited to:
 - a. student admission;
 - b. retention;
 - c. dismissal;
 - d. application of academic policies;
 - e. granting or transfer of credits;
 - f. grades and other evaluations;
 - g. scholarship awards;
 - h. fees;
 - i. disciplinary matters;
 - j. collective bargaining;
 - k. faculty appointments and dismissals; or
 - l. other contractual rights and obligations.
4. is or constitutes a request to serve as a grievance or appeals body when the outcome of institutional grievance or appeals procedures is unsatisfactory to the complainant.
5. is, at the time of filing the complaint, the subject of administrative or institutional proceedings, or if such proceedings are known to the complainant to be forthcoming.
6. is the subject of prosecution or litigation in which the NASD member institution or its employees are in any way engaged, or if prosecution or litigation is known to the complainant to be forthcoming.
7. seeks action or otherwise seeks to engage the Association in matters associated with compensation, damages, redress, or readmission on behalf of an individual or group.
8. is submitted on behalf of another individual.
9. is a copy of a complaint submitted to other entities or parties.
10. has not been submitted to, and fully processed and exhausted by, the institution's complaint or grievance procedure.
11. has been submitted for review by another accrediting association with broader institutional responsibility than that of NASD.
12. is beyond the scope of the dance program or the jurisdiction of NASD at a multidisciplinary institution.
13. repeats substantially the same allegations by the same party regarding the same institution that has previously been the subject of a completed review by the NASD Committee on Ethics or Commission on Accreditation.
14. is the subject of published articles that have resulted from attempts by the complainant to focus public attention on the behavior, actions, or inactions of the institution that is the subject of the complaint immediately prior to and especially during the course of the NASD Complaint Procedure.

Section 3. Authority

- A. NASD is a voluntary association of schools of dance. The only requirement of its members is compliance with its published consensus-based standards, rules, procedures, and Code of Ethics. The sole and final authorities regarding compliance are the elected and staff officials of NASD operating under the requirements of the Association's *Handbook*.
- B. Procedural authority for the review of complaints outlined in Article VII. is vested in the Executive Director of NASD.
- C. Decision-making authority regarding complaints under Article VII. is vested as specified in the various provisions of this article.
- D. The Executive Director shall have the authority to stop the complaint process at any point or any time upon the appearance of evidence that would disqualify the complaint under policies outlined above, or in Article IV., Section 1. of the Rules of Practice and Procedure, or if the complaint otherwise moves beyond the scope or jurisdiction of the Association.

Section 4. Time

- A. Review Schedules
 - 1. The Association will resolve complaints against member institutions in a timely manner, moving as quickly as feasible between stages of the Complaint Procedure.
 - 2. The Executive Director shall have the authority to establish timelines for each specific step of the process.
 - 3. Unless circumstances require alternative timeframes, as determined by the Executive Director –
 - a. 30 business days is the period for each stage outlined in Sections 6., 8., or 9. below;
 - b. business to come before the Committee on Ethics or the Commission on Accreditation will be scheduled at regular meetings of these groups.
 - 4. The time required to conduct inquiries in Section 7. below may vary based on the nature and circumstances of the complaint, as determined by the Executive Director.
- B. Time Restrictions

Except under circumstances the Executive Director deems extraordinary, complaints will not be considered after two years or more from the date of the last incident or incidents that are the subject of the complaint.

Section 5. Multiple Complaints

If a number of individual complaints over time suggest a pattern of noncompliance by the institution, the Committee on Ethics or the Commission on Accreditation may be informed during the course of a review under Sections 8. and/or 9. below.

Section 6. Initial Review

- A. Consistent with provisions outlined in Section 4. above, the National Office staff will acknowledge a formal written complaint within 15 business days of its receipt.
- B. Within 30 business days after acknowledging receipt of the complaint, the National Office staff will:
 - 1. review the complaint and its documentation.
 - 2. determine whether the complaint meets the eligibility criteria outlined in Section 2. above.

3. inform the complainant regarding the disposition of the complaint using one of the following statements:
 - a. no further action will be taken because the complaint does not meet the eligibility requirements of Section 2., or there is insufficient documentation.
 - b. the decision regarding further action is postponed while the complainant is given 20 business days to provide additional documentation. The complainant is then informed that the decision regarding the complaint is that described in either Section 6., items B.3.a. or c.
 - c. the complaint has sufficient substance to warrant the opening of a proceeding for further review.
- C. The Executive Director of NASD, at his or her sole discretion, makes the final determination regarding all provisions of Section 6., including determination whether the complaint raises issues that are directly relevant to an institution's accreditation or membership status.

Section 7. Executive Director Negotiations

- A. If the decision in the initial review is to open a proceeding as specified in Section 6., item B.3.c., the Executive Director of NASD contacts the dance executive of the institution against which the complaint has been filed, advises of the complaint, provides the complaint and documentation submitted by the complainant, and seeks information from the institution(s) involved regarding circumstances surrounding the complaint. The Executive Director may also seek additional information from other sources, as he or she deems appropriate.
- B. The Executive Director, using procedures and personnel he or she determines, and in correspondence with the institution(s) and the complainant, attempts to negotiate, mediate, or otherwise develop a resolution of the complaint without further formal action. The Executive Director may appoint an agent to serve on his or her behalf. The Executive Director or his or her agent may recommend mediation or arbitration by third parties.
- C. If the complaint is resolved, the Executive Director informs the complainant and the institution(s) in writing.
- D. If the complaint is not resolved, the Executive Director initiates committee review (see Section 8.) or Commission review (see Section 9.) as appropriate.

Section 8. Committee Review of Complaints Involving the Code of Ethics

- A. The Executive Director develops a dossier containing the following:
 1. the formal complaint with complete documentation;
 2. information obtained from the institution(s) involved regarding the circumstances surrounding the complaint;
 3. information from the procedure outlined in Section 7.; and
 4. the relevant section(s) of the Code of Ethics.
- B. The Executive Director informs the Committee on Ethics that a complaint has been filed and places the dossier on the agenda of the Committee.
- C. The Committee on Ethics reviews the dossier and formulates a decision concerning the case. Possible decisions are:
 1. the institution is found to be in compliance with the Code of Ethics;
 2. the institution is found to be generally in compliance with the Code of Ethics, but the complaint has merit in this particular circumstance; or
 3. the institution is found to be not in compliance with the Code of Ethics.

- D. If the recommendation is C.1. above, the complainant and the institution are so informed in writing by the Executive Director.
- E. If the recommendation is C.2. or C.3. above, the Committee on Ethics may require the institution to submit a response within a specified time showing satisfactory resolution of the complaint and compliance with the Code of Ethics. The response may require the report of an on-site consultant. The procedure for establishing and operating such consultancy shall be that in effect for on-site accreditation visits.
The Committee on Ethics shall review the response when received and take one of the following actions:
 - 1. accept the response and consider the complaint resolved. The institution and complainant are notified in writing; the action is not made public.
 - 2. accept the response and consider the complaint resolved, but request a progress report(s) to determine further compliance with the Code of Ethics. The institution and complainant are notified in writing; the action is not made public.
 - 3. acknowledge receipt of the response, but consider the complaint unresolved and the institution to be in noncompliance with the Code of Ethics. In this case, the Committee on Ethics may recommend to the Commission that the institution be placed on probation and required to submit a probationary response to the Committee on Ethics within a specified time. Public notice follows NASD rules regarding probation. Upon receipt of the probationary response, the Committee on Ethics recommends that the Commission either remove probation or revoke membership. Membership status is made public through appropriate published materials.
 - 4. if the initial response is not received within the specified time, the institution is placed on probation by the Commission; public notice follows NASD rules regarding probation. The institution is requested to submit a probationary response within a specified time.
 - 5. if a probationary response is not received within the specified time, the membership of the institution is revoked and membership status is made public through appropriate published materials.
- F. Either the complainant or the institution may appeal any decision of the Committee on Ethics and/or the Commission consistent with eligibility requirements of the applicable procedures outlined in Articles VIII. through X. of the “Rules of Practice and Procedure.”

Section 9. Commission Review of Complaints Involving the Standards of the Association

- A. The Executive Director develops a dossier containing the following:
 - 1. the formal complaint with complete documentation;
 - 2. information obtained from the institution(s) involved regarding the circumstances surrounding the complaint;
 - 3. information from the procedure outlined in Section 7.; and
 - 4. the relevant section(s) of the Standards of the Association.
- B. The Executive Director informs the Commission that a complaint has been made and places the dossier on the agenda of the Commission.
- C. The Commission reviews the dossier and formulates a decision concerning the case. Possible decisions are:
 - 1. the institution is found to be in compliance with the standards;
 - 2. the institution is found to be generally in compliance with the standards, but the complaint has merit in this particular circumstance; or
 - 3. the institution is found to be in noncompliance with the standards.

- D. If the recommendation is C.1. above, the complainant and the institution are so informed by the Executive Director.
- E. If the recommendation is C.2. or C.3. above, the Commission may require the institution to submit a response within a specific time showing satisfactory resolution of the complaint and compliance with the standards. The response may require the report of an on-site consultant. The procedure for establishing and operating such consultancy shall be that in effect for onsite accreditation visits.

The Commission shall review the response when received and take one of the following actions:

1. accept the response and consider the complaint resolved. The institution and the complainant are notified in writing; the action is not made public.
 2. accept the response and consider the complaint resolved, but request a progress report(s) to determine future compliance with the standards. The institution and complainant are notified in writing; the action is not made public.
 3. acknowledge receipt of the response, but consider the complaint unresolved and the institution to be in noncompliance with the standards. In this case, the Commission may recommend that the institution be placed on probation and required to submit a probationary response to the Commission within a specified time. Public notice follows NASD rules regarding probation. Upon receipt of the probationary response the Commission either removes probation or revokes membership. Membership status is made public through appropriate published materials.
 4. if the initial response is not received within the specified time, the institution is placed on probation by the Commission; public notice follows NASD rules regarding probation. The institution is requested to submit a probationary response within a specified time.
 5. if a probationary response is not received within a specified time, the membership of the institution is revoked and membership status is made public through appropriate published materials.
- F. Either the complainant or the institution may appeal any decision of the Committee on Ethics and/or the Commission consistent with eligibility requirements of the applicable procedures outlined in Articles VIII. through X. of the “Rules of Practice and Procedure.”

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