



# National Fenestration Rating Council Incorporated

**NFRC 710-2017**<sub>[E0A0]</sub>

Operating Policy Manual

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# 1. SCOPE

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## 1.1 Operating Policies

The Operating Policies set forth in this document supplement the Articles of Incorporation, Bylaws, and NFRC program documents. The Operating Policies establish the procedures for operations of NFRC's committees, subcommittees, and task groups. The Operating Policies also summarize the governance structure of NFRC. The NFRC Operating Policies are established by NFRC's Board of Directors, and may be amended or waived by the Board at any time.

In the event of a conflict between these Operating Policies and the NFRC Articles of Incorporation or Bylaws, the Articles or Bylaws shall govern.

## 1.2 Definitions

A **procedure** is one of several methods by which a rating that represents fenestration product energy performance or other performance attribute is determined. Each rating procedure is set forth in an NFRC rating procedure document, such as NFRC 100: Procedure for Determining Fenestration Product U-factors. Procedures are generally developed through the NFRC committee structure and approved and adopted for implementation by the Board of Directors.

A **program** is one of the three operational systems comprising the NFRC Product Certification Program. Under the three programs, NFRC (i) accredits simulation and test laboratories to render reports of ratings developed utilizing an NFRC procedure, (ii) licenses independent certification and inspection agencies ("IAs") to issue product certification authorizations to manufacturers, and (iii) licenses manufacturers to label fenestration and fenestration attachment products to indicate NFRC certification. Each of these three programs is set forth in and governed by a program document. NFRC 700 Product Certification Program governs manufacturer product certification and labeling; NFRC 705 CMA Product Certification Program governs commercial manufacturer product certification; IA licensing by NFRC 702: Certification Agency Program; test and simulation laboratory accreditation by NFRC 701: Laboratory Accreditation Program; NFRC 706: Requirements for Insulating Glass Certification Programs and ACE approval by NFRC 708 Calculation Entity Approval Program. Whenever these programs are referred to in these Operating Policies, the reference is deemed to be to the most recent edition of the program document in effect. NFRC committees and subcommittees develop programs and the Board of Directors adopts them for implementation.

*Any capitalized terms not defined in these Operating Policies shall have the meanings set forth in NFRC 600-Glossary and Terminology.*

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## **2. ORGANIZATIONAL STRUCTURE OF NFRC**

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### **2.1 Governance Structure and Responsibilities of NFRC**

#### **2.1.1 Membership**

Membership in NFRC is open to individuals and organizations with an interest in the production, regulation, specification, use, or promotion of, or development of technology related to, the energy performance of fenestration and fenestration attachment products and may include corporations, associations, other business and not-for-profit organizations and government agencies. NFRC may also create non-voting membership categories on terms established by the Board. NFRC has three main membership categories; Fenestration Industry, Labs and General Interest.

The Members of NFRC are responsible for electing the Board of Directors, voting on any amendments to the Articles of Incorporation, approving any mergers of NFRC with a third party or the dissolution of NFRC and any other matters required to be approved by the Members under Maryland law. Each Member must designate one representative to exercise the Member's vote. If two or more Members are affiliated through common control or ownership, only one member of that group may cast a membership vote.

#### **2.1.2 Board of Directors**

The Board of Directors is comprised of twelve voting directors elected by the Members from the membership. The Board is divided into three categories; Fenestration Industry, Labs and General Interest as defined in the Bylaws.

The Board of Directors is vested by law with the authority to manage the business and affairs of NFRC and is responsible for the general direction, control, and management of its activities, including final authority to approve all policies procedures and programs for NFRC. The Board has the authority to amend the Bylaws and these Operating Policies. The Board may waive compliance with any provision of the Operating Policies in specific circumstances as it determines is appropriate and in the best interest of NFRC.

Any waiver of the ANSI requirements under Section 5.6 of these Operating Policies must also meet the requirements for waiver described in that section.

##### **2.1.2.1 Ex-Officio Members**

The Bylaws establish several ex-officio Board positions and allow the Board to appoint other non-voting ex-officio Board members. The ex-officio, non-voting Board members required under the Bylaws are the chairs of each Policy Committee and

each Roster Committee described below, the Chief Executive Officer, and the Ombudsman.

#### **2.1.2.2 Executive Committee**

The Executive Committee of the Board of Directors is comprised of three to seven voting Board members and includes the Chair of the Board and the other corporate officers of NFRC, the CEO, and the immediate past Chair, provided he or she remains a Director. The Board may elect from its membership other Directors to serve on the Executive Committee. Non-voting ex-officio directors serving on the Executive Committees may vote on matters before the Executive Committee if the Board of Directors will independently review that Executive Committee's action.

The Executive Committee generally may act with the authority of the full Board of Directors, subject to any limitations on that authority imposed by the Board.

#### **2.1.2.3 Other Corporate Officers, Ombudsman**

The officers of NFRC are the Chair, Vice Chair, Secretary, Treasurer, and Chief Executive Officer. All officers are elected annually by the Board, other than the Chief Executive Officer. In addition, the Board may appoint an Ombudsman to assist the Board in resolving issues within the organization. The officers' duties and responsibilities are defined in the Bylaws.

#### **2.1.2.4 Chief Executive Officer, Chief Operating Officer**

The Chief Executive Officer is an employee of NFRC and is selected by the Board of Directors. The Chief Executive Officer serves as the senior officer of NFRC and has general executive authority to direct the day-to-day operations of the organization. The Chief Executive Officer is also a non-voting, ex-officio member of the Board of Directors.

NFRC also has a Chief Operating Officer who reports to the Chief Executive Officer and is designated to serve as the interim Chief Executive Officer in the absence or incapacity of the Chief Executive Officer.

#### **2.1.2.5 Board Committees**

The Board of Directors may from time to time establish committees of the Board comprised of at least two Board members to advise the Board of Directors on matters designated by the Board. The Board of Directors selects the members of any Board committee, including any chair for that committee. These committees may be dissolved at the direction of the Board of Directors. Among the committees formed by the Board are the following: Audit Committee, Governance Committee, and Finance Committee.



### **2.1.3 Policy Committees**

The committees referenced below in this Section 2.1.3 are designated as Policy Committees created under NFRC's Bylaws. The Board selects these members from the membership and appoints the committees' chairs. The Bylaws set a minimum and maximum number of members of each of these Policy Committees. A vice chair for each committee may be appointed at the committee chair's discretion. These Policy Committees are responsible for recommending the establishment of NFRC programs and supporting documents that are presented to the Board of Directors for final approval before implementation. Each Policy Committee's recommendations and decisions are subject to approval, disapproval, or modification by the Board of Directors. The following are the Policy Committees and a summary of the authority of those committees as set forth in the Bylaws:

#### **2.1.3.1 Accreditation Policy Committee (APC)**

This committee has the authority to oversee NFRC's laboratory accreditation program, including issuing policy interpretations relating to laboratory accreditation; ruling on appeals properly brought pursuant to procedures established by the Board of Directors or set forth in program documents; and recommending modifications to NFRC's laboratory accreditation program. This committee administers NFRC 701, the Laboratory Accreditation Program and the NFRC 708, the Calculation Entity Approval Program.

#### **2.1.3.2 Certification Policy Committee (CPC)**

This committee has the authority to oversee NFRC's product certification program, including, but not limited to, issuing policy interpretations relating to product certification or independent inspection agency licensing; ruling on appeals properly brought pursuant to procedures established by the Board of Directors or set forth in program documents; and recommending modifications to NFRC's product certification program. This committee administers NFRC 702, the Certification Agency Program and NFRC 706, the Requirements for Insulating Glass Certification Program.

#### **2.1.3.3 Technical Interpretation Policy Committee (TIPC)**

This committee has the authority to provide answers to technical interpretation requests relating to NFRC's technical procedures and coordinate the consistency of the interpretation between document cycles. This committee administers the NFRC Technical Interpretations document, the NFRC Simulation Manual, and the NFRC 601 the NFRC Unit and Measurement Policy.

#### **2.1.3.4 Verification Policy Committee (VPC)**

This committee has the authority to oversee NFRC's independent verification program, including, but not limited to, Independent Verification Program (IVP), including, but not limited to, issuing policy interpretations; ruling on appeals properly brought pursuant to procedures established by the Board of Directors or set forth in program documents; and recommending modifications to NFRC's IVP. This committee administers the NFRC 713, the Independent Verification Program.

**[This committee to be formed upon Board approval and will also requires reference in the NFRC Bylaws]**

#### **2.1.4 Roster Committees**

The committees referenced below in Section 2.1.4 are designated as Roster Committees created under NFRC's Bylaws. Roster committees are formed at the direction of the Board of Directors, and include the committees identified below. Roster committee members are the NFRC Member's designated representative. The Board appoints the committees' chairs. A vice chair for each committee may be appointed at the committee chair's discretion. Each committee's recommendations and decisions are subject to approval, disapproval, or modification by the Board of Directors. The following are the Roster Committees and a summary of the authority of these committees as set forth in the Bylaws:

##### **2.1.4.1 Technical Committee**

This committee develops, coordinates, and oversees NFRC's tools, standards and procedures in regards to the testing for rating fenestration and fenestration attachment products.

##### **2.1.4.2 Research and Technology Committee**

This committee coordinates research necessary to ensure technical accuracy of current and future rating systems and other responsibilities as specified from time to time by the Board.

##### **2.1.4.3 Ratings Committee**

This committee develops, coordinates, and oversees NFRC's certification and labeling programs to assure the uniform application of the rating system.

##### **2.1.4.4 Regulatory Affairs and Marketing Committee**

This committee makes recommendations to the Board regarding NFRC's communications and informational materials and use of NFRC ratings by stakeholders.

#### **2.1.4.5 Members of a Roster Committee**

The Roster Committees are comprised of NFRC Members, at least one of whom is a Board member. Members of the Roster Committee are expected to have significant knowledge and experience in the subject matter area within the committee's jurisdiction.

To become a member of a Roster Committee, the designated representative of the NFRC Member must attend a meeting of the committee, and request to be included on the committee roster by signing the roster list for the committee. That designated representative may then vote at the next committee meeting attended. Each member of a Roster Committee has one vote on matters submitted to that committee for action.

Regular attendance at Roster Committee meetings is a requirement for committee membership. Failure of a Roster Committee member to attend two consecutive committee meetings without the approval of the chair of that committee may result in that committee member's removal from the committee by the chair or by NFRC staff on its own initiative. Presence of a Roster Committee member at a meeting by proxy does not qualify as attendance for this purpose.

#### **2.1.5 Subcommittees**

Subcommittees are formed from the NFRC membership at the discretion of the appropriate committee chair and subject to the approval of the Board of Directors. A Subcommittee is responsible for matters assigned to it by its governing committee relating to the development, establishment, and amendment of specific programs or procedures which includes but is not limited to formulating a plan of action and drafting of required documents. Subcommittees report to the committees under which they were formed.

NFRC procedure and program decision-making generally begins when a subcommittee undertakes developing and voting on a proposal that, upon approval by the subcommittee, is referred to the full committee for action.

##### **2.1.5.1 Formation of Subcommittees**

Committee chairs may recommend to the Board the formation of subcommittees to work on specific issues within that committee's authority. The Board of Directors may then establish the subcommittees and approve their missions. A committee chair may name a chair of each subcommittee, with Board's approval. A subcommittee chair serves for a term of three years and may serve two successive terms. A vice chair may be appointed at the committee chair's discretion.

### **2.1.5.2 Subcommittee Membership**

To become a subcommittee member, the designated representative of an NFRC Member must be in attendance at a meeting of the subcommittee. A Subcommittee member may vote at the first and any subsequent subcommittee meeting he or she attends.

Subcommittee members are expected to have significant knowledge and experience in the subject matter area within the subcommittee's jurisdiction.

### **2.1.6 Task Groups**

Task groups are formed and serve for a period established by, a subcommittee or subcommittee chair, a committee or committee chair or by the Board. Task groups may include NFRC Members and non-Members. Task groups are responsible for researching and developing positions on issues specifically assigned to them. Reports and recommendations of task groups are submitted for consideration to the subcommittee that has jurisdiction of the particular issue unless the task group is directed to report directly to a committee or the Board. Task groups are not a component of the formal NFRC decision-making structure, but advise the appropriate subcommittee, committee, or the Board and make recommendations on the specific issues that are requested of them. Task groups generally will be limited to a small number of individuals and work at the specific direction of the Chair of, as applicable, the subcommittee or committee, or the Board that established the task group. Task Groups are dissolved when their assigned task is completed or discontinued.

#### **2.1.6.1 Task Groups Action**

Task groups may, but are not required to, use a "Task Group Feedback Request" or (TGFR) to present preliminary information for their recommended modification to Program and Technical documents and to seek member and stakeholder feedback before a formal ballot is issued. The TGFR includes a statement of the reason for the feedback request and a copy of the document. Each TGFR provides a method of indicating feedback for or against the matter. All timelines and methods of distribution are determined by the task group chair. Task group chairs are responsible for the administration of the task group's activities, the conduct of the meetings of the task groups and for reporting any information or recommendations out of those groups. Task groups do not require quorums for any action of the task group and no voting by task group members is required. Task group chairs should attempt to develop sufficient consensus among the group's members to move forward recommendations or findings from those task groups.

### **2.1.7 Work Groups**

A chair of a task group, subcommittee, committee, or Board committee may form informal work groups, typically of 1 to 3 participants, to provide support on specific matters to the entity that formed the work group. These work groups operate without the assistance of NFRC Staff.

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## **3. MEETINGS OF MEMBERS, COMMITTEES, SUBCOMMITTEES, AND TASK GROUPS**

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### **3.1 Types of Meetings**

To the extent feasible, a designated NFRC staff person shall be present at all membership, committee, subcommittee, and task group meetings.

#### **3.1.1 Committee and Subcommittee Meetings at the Regular Membership Meetings**

NFRC holds regular membership meetings two times each year, in the Spring and Fall. Each of the committees and subcommittees typically meet at these regular membership meetings and, if the schedule allows as determined by the Board of Directors, task groups may meet then as well.

#### **3.1.2 Task Group and Work Groups at the Regular Membership Meetings**

Task groups and work groups are strongly recommended to meet via phone or web conferencing between regular membership meetings. Task groups should schedule face-to-face meetings only if necessary and with the governing subcommittee chair's approval.

#### **3.1.3 Special Meetings**

Committees, subcommittees, and task groups may hold special meetings at the discretion of their respective chairs. Refer to Attachment E to facilitate a web conferencing meeting.

#### **3.1.4 Telephone and Web Conferencing Meetings**

Any meeting of the committee, subcommittee, or task group may be held by conference telephone or by web conference or other internet connection so long as all parties present can participate and hear each other at the same time.

## **3.2 Conduct of Meetings of the Members, Committees, Subcommittees and Task Groups**

### **3.2.1 Notice**

#### **3.2.1.1 Member and Roster Committee Meetings**

Notice of NFRC Member meetings, as well as meetings of the Roster Committees (Technical Committee, Ratings Committee, Regulatory Affairs and Marketing Committee and Research and Technology Committee) and their subcommittees, except as provided in Section 3.2.1.2 below, whether regular or special, shall be given to the members of those groups not less than 10 days prior to that scheduled meeting. No notice is required to be given to committee or subcommittee members of meetings to be conducted at NFRC Spring or Fall regular membership meetings.

#### **3.2.1.2 Policy Committee Meetings**

Notice of special meetings of the Policy Committees (APC, CPC, TIPC, and VPC) shall be given to the committee members not less than seven days prior to the meeting. However, notice of any such committee meeting held in connection with a NFRC Spring or Fall regular membership meeting shall be given according to notice requirements specified in Section 3.2.1.1.

#### **3.2.1.3 Task Group Meetings**

Notice of task group meetings shall be given to the members of the task group at least seven days prior to the meeting.

#### **3.2.1.4 Meeting Conduct Guidelines**

Meetings of NFRC Members, committees, subcommittees, and task groups shall be conducted in accordance with "Attachment B – Guidelines for Orderly Conduct of NFRC Committee and Subcommittee Meetings." Individuals attending these meetings shall conduct themselves in the manner set forth in "Attachment C - Duties of Members Attending NFRC Meetings." Meetings of NFRC Members, committees, subcommittees, and task groups should be well planned and conducted in a professional and courteous manner. For that purpose, the duties of meeting chairs and members and guests attending NFRC meetings are referenced in "Attachment D - Duties of Meeting Chairs."

#### **3.2.1.5 Meeting Notification Methods**

Notice of all NFRC membership, committee, subcommittee, and task group meetings shall be given by NFRC staff via any of the following methods: electronic mail, regular mail, facsimile, or express courier service. Notice shall be deemed

given when transmitted to an individual at the mail address, email address or facsimile number maintained for such individual in NFRC's records.

### **3.2.2 Quorums for Meetings**

#### **3.2.2.1 Member Meetings**

For Membership meetings, the presence in person or by proxy, for all matters other than the election of Board members, of a majority of the total number of voting Members constitutes a quorum. For purposes of the election of Directors, the presence in person or by proxy, of thirty-four percent of all Members constitutes a quorum for that purpose, whether at a meeting or for an election conducted either by mail or electronic ballot.

#### **3.2.2.2 Committee Ballots**

For all committee meetings, the presence in person or by a proxy of a simple majority of all committee members set forth on the committee roster shall constitute a quorum for the transaction of any business. For mail or electronic ballots on committee actions, the number of members required to return ballots to obtain a quorum shall be a simple majority of the committee roster. The determination of the presence of a quorum at a committee meeting shall be established by the chair at the commencement of the committee meeting. NFRC staff shall assist the chair in determining whether a quorum of members is present. All committees must have a quorum present at the time of a vote.

#### **3.2.2.3 Subcommittee and Task Group**

There are no quorum requirements for subcommittee or task group meetings.

### **3.2.3 Open Meetings**

Regular Spring and Fall Membership meetings and meetings of all NFRC committees, subcommittees, and task groups are open to all NFRC Members and non-Members subject to Section 3.2.4 below. At each regular Spring and Fall Membership meeting, the Board shall conduct a regular Board of Directors meeting in open session subject to Section 3.2.4 below.

### **3.2.4 Closed Meetings**

Meetings of the Board of Directors (other than the regular meetings conducted at the regular Spring and Fall Membership meetings referenced in Section 3.2.3 above) and the Executive Committee shall be conducted in closed session unless otherwise directed by the Chair. The regular meetings of the Board referenced in Section 3.2.3 above and or any meeting of the CPC, the APC, TIPC, and the VPC, may also be

closed, at the discretion of the chair, when the discussion pertains to a matter which is proprietary, confidential or sensitive to NFRC, an NFRC Member or program participant, or which involves a legal question or risk which, if discussed in an open setting, in the opinion of NFRC's legal counsel, would not be in the best interests of NFRC.

### **3.2.5 Minutes and Notes**

NFRC staff, with the assistance of a recording secretary, is responsible for recording minutes of meetings of the Board of Directors, the Executive Committee and of committees and subcommittee meetings. At task group meetings, a designated task group member is responsible for preparation of meeting notes. Minutes of all meetings of the Board, committees, and subcommittees, and task group notes shall be distributed to NFRC Members by NFRC staff. Distribution may be made by posting on NFRC's website.

Minutes of such meetings and task group notes shall record:

- The meeting attendees
- All action items
- All votes taken and the results thereof
- Any other items deemed pertinent and appropriate inclusion by the chair

### **3.2.6 Agendas**

Committee, subcommittee, and task group chairs are responsible for the preparation of meeting or conference call agendas. With the assistance of NFRC staff, the agendas shall be distributed to all attendees prior to the meeting or conference call. The distribution may be made by posting on NFRC's website or email.

### **3.2.7 Proxies**

The designated representative of an NFRC Member may give a proxy to any voting Member to cast its vote at any Membership, committee, or subcommittee meeting. The proxy will also be used to establish the presence of a quorum at any meeting of the Members or of any committees. Proxies are not valid at any meeting of the Board of Directors or of the Executive Committee. Proxies are not permitted at task group meetings.

A voting Member may hold and vote no more than one proxy.

To be valid, proxies must be in writing and have been filed with NFRC staff prior to the commencement of the Membership, committee or subcommittee meeting or meetings at which the proxy is to be exercised. A proxy shall be valid only for the specific meeting(s) identified in the proxy.



### **3.2.8 Chair Substitution**

In the event the Chair and Vice-Chair of a committee or sub-committee are unavailable to conduct a meeting, a substitute chair may be appointed solely for the purposes of conducting that meeting.

With respect to a subcommittee, the substitute shall be the Chair or Vice Chair of the governing Committee. In any other circumstance, the substitute shall be designated by the Chair of that committee or subcommittee.

The Chair shall also notify NFRC staff of any substitute chair designation.

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## **4. VOTING**

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NFRC Members have the right to cast a vote on matters that are required by Maryland law or the NFRC Bylaws to be submitted to the Members for decision, which include election of Board members and dissolution of the organization. Each Member is entitled to only one vote at matters brought to the Membership for action and if two or more Members are affiliated through common ownership or control, only one Member of that affiliated group shall be entitled to vote on such matters. Each Member must designate in writing one representative to cast its vote at Membership meetings and may also designate one or more alternates to serve as its representative.

### **4.1 Method for Board Election and Other Membership Voting**

Voting by the Membership shall be by either voice vote or, at the discretion of the Chair of the Board of Directors, by hand vote or written ballot. Voting by Members for the election of Directors may also be conducted by electronic ballot or regular mail.

### **4.2 Committee, Subcommittee, and Task Group Motions and Voting by Written Ballot**

Voting at a meeting of the Members or of a committee, or subcommittee shall be conducted following a motion made by a voting member and seconded by a voting member and the voting shall be conducted in accordance with Section 4.2.1.

Any vote at a committee meeting may be taken by written ballot as deemed appropriate by the chair of the committee. A committee written ballot shall be sent by staff to all committee members and shall be conducted in accordance with Section 4.4 if the ballot involves approval of language within a procedure or program document. Any other written committee ballot shall be approved by a majority of the quorum of the committee.

Any vote of a subcommittee may be taken by written ballot as deemed appropriate by the chair of the subcommittee. A subcommittee written ballot shall be sent by staff to all NFRC voting members and shall be conducted in accordance with Section 4.4.

#### **4.2.1 Voting by Voice, Hand or Electronically**

At the discretion of the subcommittee or committee chair, a voice vote or majority of hand vote may initially be used to determine the outcome of a vote. In addition, at the discretion of the subcommittee or committee chair, one of the following methods shall be used as determined by the chair:

- i. If electronic voting is used (i.e., the voting response card), the summarized results of the vote shall be announced and reflected in the meeting minutes.
- ii. When using a hand count, members shall raise their hands or voting paddles, if applicable, for a count by NFRC staff. The results of the vote shall be announced and reflected in the meeting minutes.

For virtual meetings conducted over the web, members shall use either the “hand raise” feature via the web meeting software, or a web-based polling application that lets participants use their mobile devices and computers. The results of the vote shall be announced and reflected in the meeting minutes.

#### **4.2.2 Determining Task Group Votes**

Votes at task group meetings are called at the prerogative of the chair of the task group and shall be conducted as directed by the chair.

### **4.3 Vote Required**

#### **4.3.1 Membership Meeting**

At any NFRC membership meeting at which a quorum is present, the affirmative vote of a simple majority of the members present in person or by proxy shall constitute action by the Members unless a higher vote is required by applicable law. In addition, for the election of directors, each director shall be elected by the plurality of the votes cast for that director position.

#### **4.3.2 Voting at a Committee Meeting**

At any committee meeting where a quorum is present at the time of the vote the affirmative vote of a simple majority of the members present and voting in person or by proxy constitutes approval of an action by the committee.

#### **4.3.3 Voting by Electronic or Written Committee Ballot**

The affirmative approval of a simple majority of all of the members of a committee voting by electronic (web-based) ballot or mail ballot shall be required to approve a committee action. If a quorum is not achieved for the vote by written ballot, the vote shall be taken at the next meeting of the committee or by conducting another electronic or mail ballot vote.

#### **4.3.4 Subcommittee Meetings or Ballots**

The affirmative vote of a simple majority of all NFRC members present at a subcommittee meeting shall be required to approve a subcommittee action.

The affirmative approval of a simple majority of all of the members of a subcommittee voting by electronic (web-based) ballot or mail ballot shall be required to approve a subcommittee action. If a quorum is not achieved for the vote by written ballot, the vote shall be taken at the next meeting of the subcommittee or by conducting another electronic or mail ballot vote. Voting by written or electronic ballot shall be characterized as affirmative or negative as described in Section 4.5.

### **4.4 Method for Voting on an Electronic or Written Ballot**

#### **4.4.1 Format**

Any modification or addition to the language of a program or procedure document may be initiated only through a written ballot. The approval of the applicable chair of a committee and subcommittee is required for conduct of a vote by a written or electronic ballot. The chair shall work with NFRC staff to draft the ballot. The ballot shall include a statement of the reason for the balloted proposal, a full statement of the matter under consideration, including, in the case of a vote upon approval of a rating procedure or program document, a copy of the document. Each ballot shall provide a method of indicating an approval vote for or a negative vote against the matter or an abstention and, with respect to a negative vote, request a specific written explanation for the basis for the negative and/or recommended alternative language.

#### **4.4.2 Ballot**

A written ballot shall be signed by the representative, or designated alternate, of the committee or subcommittee member casting the vote and shall be dated. Electronic ballot submittals need not be signed.

#### **4.4.3 Deadlines**

Ballots shall be distributed to all NFRC voting members listed at the time the written ballot is posted or mailed. Unless otherwise authorized by the chair of the committee or subcommittee, notice of ballots shall be provided no later than thirty days before the next regular Membership meeting unless otherwise authorized by the chair. Votes on written ballots, shall be completed and returned to NFRC not later than seven days before the applicable membership meeting. Votes on written ballots received after the established deadline will not be considered unless authorized by the chair of such subcommittee or committee at his or her sole discretion.

### **4.5 Processing of Negative Votes on Written Ballots**

The committee or subcommittee shall resolve negative votes on a written or electronic ballot. Resolution of negative votes generally occurs at meetings of the

committee or subcommittee. NFRC staff shall provide a timely copy of the negative votes and the written statements accompanying those votes to the relevant committee and subcommittee chairs. Negative votes or requests for modification shall be presented in the order determined by the chair, such as in order of appearance in the document under consideration, or in the order received. The written statements shall be disseminated by NFRC staff to the members of the applicable committees and/or subcommittees by electronic mail or by posting on the NFRC website.

In the event that a negative vote is submitted without a specific written explanation of the basis or rationale for the negative vote and/or recommended alternative language, the committee or subcommittee chair, or NFRC staff shall make a reasonable effort to contact the voter to request the voter to provide to the chair and NFRC staff in writing the required explanation and / or recommended alternative language. If NFRC staff or the chair is unable to reach the voter or if the voter declines or fails to provide the required information within the required timeframe set by the chair or NFRC staff, the negative vote shall be ruled non-germane as described in Section 4.5.1.3. A negative vote may be withdrawn by the proponent of the negative, including after discussion with the chair or NFRC staff at any time prior to its resolution by the committee or subcommittee.

#### **4.5.1 Categorization of Negative Votes**

Based on the content of the negative vote, the negative votes may be classified by the committee or subcommittee chair, after consultation with and input from NFRC staff, in one of the following categories:

##### **4.5.1.1 Substantive**

Substantive is defined as a proposal or comment accompanying a negative vote that materially changes the general intent, technical content, or substantive meaning of the applicable language in the ballot.

##### **4.5.1.2 Editorial**

Editorial is defined as a comment accompanying a negative vote that seeks to clarify, but does not change, the general intent, technical content, or substantive meaning of the applicable language in the ballot and includes correction of typographical errors, change of non-technical information or elimination of ambiguous or redundant language.

##### **4.5.1.3 Non-Germane**

Non-germane is defined as a comment accompanying a negative vote that is deemed unrelated to the balloted issue or a negative vote that is not submitted with the required explanation and/or recommended alternative language.

## **4.5.2 Resolution of Negative Votes on Written Ballot**

Each negative vote on written ballot, including its categorization per Section 4.5.1 above, shall be presented to and resolved at a scheduled meeting of the applicable committee or subcommittee.

The negative vote submitted shall be found to be editorial, and persuasive, editorial and non-persuasive, substantive, and persuasive, and substantive and non-persuasive, or non-germane by vote of the committee or subcommittee at the meeting upon a motion duly made and seconded.

### **4.5.2.1 Negatives Found to be “Editorial and Persuasive”**

NFRC staff shall make modifications to address negatives that are found to be editorial and persuasive by the committee or subcommittee. At the direction of the chairman of the applicable committee or subcommittee a task group may be formed to provide staff with recommended editorial language, or the committee or subcommittee may elect at that meeting to make the modification to address the editorial comment.

### **4.5.2.2 Negatives Found to be “Substantive and Persuasive”**

Negative votes found to be substantive and persuasive shall be referred back to the committee or subcommittee for further study and, if appropriate, reballoting. The committee or subcommittee chair may forward the matter to an existing task group or form a task group to draft new proposed language for reballoting. Unless otherwise determined by the committee or subcommittee chair, only the specific language that was the subject of the substantive negative shall be rebalotted. A negative vote that is found to be substantive and persuasive by the committee and subcommittee may only be resolved by reballoting. Balloted language may be accompanied by language that was previously balloted and approved to provide context for the rebalotted language and the previously approved language is not eligible for review and vote with that balloted language.

### **4.5.2.3 Negatives Found to be “Non-Persuasive” or “Non-Germane”**

Negative votes found to be non-persuasive or non-germane by vote of the committee or subcommittee shall require no further action.

### **4.5.2.4 Negatives Found to be “Non-Germane”**

Negative votes found to be non-germane by vote of the committee or subcommittee shall require no further action.

#### **4.5.2.5 Negatives Withdrawn**

Negative votes withdrawn by the proponent shall require no additional action by the subcommittee or committee.

For a withdrawal to be effective, the proponent must either submit written notice of withdrawal or withdraw the negative in person at the meeting in which the ballot is being considered.

#### **4.6 Reporting of Votes**

The results of a written ballot and votes taken at a meeting shall be recorded by the recording secretary of the respective committee, subcommittee or the Board and included in the minutes of the meeting per Section 3.2.5. Upon final approval of any action, a subcommittee or committee shall report its action to the full committee or the Board of Directors, respectively, including the numerical results of a vote, summary of the disposition of negative votes and a recommendation for action by the Board.

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## **5. PROCEDURES FOR ADOPTION AND MODIFICATION OF RATING PROCEDURES AND PRODUCT CERTIFICATION PROGRAM DOCUMENTS**

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### **5.1 Rating Procedure and Product Certification Program Document Adoption Process**

No proposal to establish a new NFRC rating procedure or Product Certification Program document or to modify an existing NFRC rating procedure or Product Certification Program document may be undertaken and no NFRC financial or human resources may be utilized for that purpose until the Board of Directors has reviewed and approved the proposal for such a project and assigned the project to a committee for action. Periodically the Board of Directors may adopt a questionnaire or other information statement to be completed by proponents of new technical standards or rating procedures and submitted to the Board for consideration. The Board of Directors may, at any time before or during the consideration process for such a technical standard, rating procedure or program document, offer guidance, comments or directions to the appropriate committees, subcommittees, or task groups.

Adoption and modification of NFRC rating procedures and Product Certification Program documents are subject to the procedural sequence and requirements set forth in these Operating Policies.

Unless otherwise directed by the Board of Directors, preparation, drafting, and initial review of any proposal relating to adoption of a new rating procedure or Product Certification Program document or revision of a current procedure or program shall begin at the subcommittee level. The Board of Directors has the final authority to adopt or modify any such procedure or document at its discretion with the exception of documents that will be submitted as an American National Standard under the American National Standards Institute pursuant to

Section 5.6 below. Changes to documents made because of modifications resulting from negative votes shall be shown by underline or strike out in the revised draft document until such changes are finalized by the Board of Directors.

## **5.2 Schedule and Method for Adoption and Modification of Rating Procedures and New Rating Procedures**

### **5.2.1 New Rating Procedures**

A new rating procedure may be adopted at any time.

A subcommittee of the Technical Committee or the Research and Technology Committee shall draft a technical standard for a rating procedure as deemed appropriate by the Board.

The Ratings Committee shall draft the proposed certification and labeling procedures necessary for the respective NFRC Product Certification Program for the uniform application of the rating procedure.

A rating procedure approved by the Board is deemed to be implemented after publication of the procedure, modification of testing and simulation laboratory requirements, as applicable, preparation of a training program that addresses the information needs of the accredited laboratories, the IAs, and the manufacturers participating in the NFRC Product Certification Program, and the completion of the application (database) used to house and display product ratings or as otherwise determined by the Board.

If applicable, during development the document of a new rating program shall obtain the designation of a NFRC program document number (i.e., NFRC 700).

### **5.2.2 Existing Rating Procedures**

Rating procedures shall be reviewed within five years following the last approval (reaffirmation or revision) and may be reviewed and modified from time to time as appropriate to ensure they remain technically correct.

A subcommittee of the Technical Committee, the Research and Technology Committee or the Ratings Committee, as approved by the Board of Directors shall draft modifications of rating procedures.

A rating procedure may be modified by an interpretation from the TIPC or CPC, subject to approval by the Board of Directors. Any modifications to the ratings procedures shall be incorporated into the main text of the rating procedure document and implemented during the next publication of that procedure. For technical interpretation, a single NFRC document shall contain technical interpretations of the rating procedures made by TIPC, as approved by the Board. All other interpretations to program documents shall be distributed via a bulletin.

### **5.2.3 Editing Documents**

NFRC documents edited for publication and implementation shall receive an errata or addendum designation. At the beginning of a document cycle

based on the document's year, the document will be designated the errata and addendum of E0A0, which each subsequent errata and addendum designation increasing by 1.

#### **5.2.3.1 Errata**

An errata designation is used for clarification purposes that do not modify the intent of the current published document's language.

NOTE: The modification of the address, a typographical error, or a format modification in the document would receive an errata designation, i.e., E1A0.

#### **5.2.3.2 Addendum**

An addendum designation is used for the purpose of implementing supplemental document language within the current published document.

NOTE: The revision of a temperature in a technical procedure in the document would receive an addendum designation, i.e., E0A1.

### **5.3 Modification of Program Documents**

NFRC program documents are governed by the applicable Policy Committee, such as the CPC or APC, and may be modified periodically and at a minimum are republished annually. Modifications to the document and reaffirmation require Board approval annually.

The CPC shall draft modifications to the NFRC 702: Certification Agency Program (CAP) and the NFRC 706: IG Certification Program (IG) and shall be subject to Board approval. The APC shall draft modifications to the NFRC 701: Laboratory Accreditation Program (LAP) and NFRC 708: Calculation Entity Approval Program (CEAP) and shall be subject to Board approval.

NFRC Members and the Board may propose recommendations to modify a NFRC program document at any time during the document cycle. The recommended language shall be submitted to NFRC staff, in a manner established by NFRC staff or the applicable committee chair. The governing Policy Committee may develop new language for the program document to address the recommendation and present that language to the Board for approval; or the Policy Committee may elect not to make any modifications.

### **5.4 Proposal Process for Rating Procedures and Product Certification Documents**

NFRC rating procedures documents are governed by the applicable Roster Committee, such as the Technical or Ratings, and may be modified periodically. Modifications to the document require Board approval.

Requests for modification (a "proposal") of an NFRC rating procedure or program may be submitted by an NFRC Member to NFRC staff. The following are the two types of proposals and the process for submitting those proposals:



#### **5.4.1 Proposal Subject to Committee or Subcommittee Chair Approval**

NFRC Members and the Board may propose recommendations to modify a NFRC rating procedure document at any time during the document cycle. The recommended language shall be submitted to NFRC staff, in a manner established by NFRC staff or the applicable committee chair. Except as provided in Section 5.4.2, upon approval of the governing committee or subcommittee chair, the proposed modification to the rating procedure document shall be balloted in accordance with requirements of the Operating Polices.

To be considered, a proposal shall be submitted not later than the deadline established by NFRC staff prior to the next NFRC regular membership meeting. A proposal received after the established deadline for submitting ballots shall not be accepted and shall be resubmitted for consideration prior to the deadline for the next following regular membership meeting at the discretion of the submitter.

#### **5.4.2 Proposal Subject to Task Group Approval**

Proposals to modify NFRC 700, NFRC 705, and NFRC 712 program documents shall be submitted to the appropriate task group.

The governing task group may develop new language for the program document to address the recommendation and present that language for balloting in accordance with requirements of the Operating Polices.

### **5.5 Sunset Provisions for NFRC Rating Procedures and Program Documents**

Rating procedures and program documents that are revised by committees and delivered to the Board of Directors for final approval shall be accompanied with a suggested sunset date for the procedure or program document. Upon establishing an effective date for newly revised procedures and program documents, the Board of Directors shall also establish a sunset date for the use of existing procedures and program documents. The Board of Directors may thereafter extend sunset dates.

The Board of Directors shall set all implementation dates for new or modified rating procedures, product certification, and labeling program documents and software programs. The implementation of new rating procedures shall meet the criteria noted in Section 5.2.

### **5.6 Approval of NFRC Procedures as American National Standards under ANSI Requirements**

#### **5.6.1 ANSI Standards Development and Revisions**

If the Board of Directors determines that an NFRC rating procedure should be submitted for approval as an American National Standard (ANS) under the American National Standards Institute (ANSI) Essential Requirements (herein referred to as an NFRC American National Standard or ANS) or that an existing NFRC ANS should be modified or amended, NFRC shall comply with the procedures set forth in this Section

5.6. At a minimum, NFRC shall take action to ensure that an NFRC ANS shall be reaffirmed, revised, or withdrawn within five years after its approval as an ANS as required by ANSI. The Board of Directors shall retain the authority to withdraw any NFRC ANS and to provide notification of that action in accordance with the applicable ANSI requirements. NFRC may abandon the processing of a proposed new or revised American National Standard or portion thereof by vote of its Board of Directors. A written justification for such an action shall be made available upon receipt of any written request received by NFRC within 60 days of the date of the final action.

### 5.6.2 Composition of ANSI Standards Committee

The Board of Directors shall constitute an ANS Standards Committee (Standards Committee) comprised of individuals representing a variety of interested stakeholders to serve as the consensus body for the review and vote on specific pending proposals for the adoption, amendment, or modification of any NFRC ANS. At the election of the Board, the Standards Committee may serve as a standing committee. The Board may also establish rules and procedures for the operation of the Standards Committee, including setting terms for service on the Standards Committee.

The following are the general categories of interested stakeholders for the Standards Committee. These categories may be interpreted and revised as deemed appropriate by the Board to achieve representation by a broad range of stakeholders interested in the standards under consideration by the Standards Committee and to ensure appropriate technical expertise on the Standards Committee.

- **Producer:** this category includes manufacturers and vendors of fenestration and fenestration attachment products or components, organizations that represent fenestration industry interests, third party fenestration inspection and accreditation agencies, test and simulation laboratories, and similar parties with interests in fenestration issues;
- **User:** this category includes consumers and consumer advocacy organizations, utilities and other energy service providers, architects, specifiers and design professionals, builders and other construction contractors, and similar parties with interests in fenestration issues;
- **General Interest:** this category includes institutions of higher learning and research, federal, state or local government and energy or building code offices, not-for profit organizations that promote energy efficiency or conservation, other standards developers involved in energy efficiency and performance, and any other interested party not included in the other categories.

The Board of Directors shall appoint the Chair and Vice-Chair of the Standards Committee from among the current voting or ex-officio members of the Board. The individuals selected as Chair and Vice-Chair of the Standards Committee shall serve in those respective positions on the Standards Committee for so long as he/she is a member of the Board of Directors or until he/she is removed from that position by the Board of

Directors. The Chair shall preside at meetings of the Standards Committee and shall oversee the proper governance and operation of the Standards Committee. The Vice Chair shall perform those duties in the absence of the Chair.

An NFRC staff member shall be designated as a Staff Representative to the Standards Committee and shall attend all meetings of the Standards Committee. The Staff Representative shall provide administrative support for the Standards Committee, including maintaining records of all Standards Committee meetings, ballots and the voting on ballots, preparation of meeting agendas and minutes, and the publication of all adoptions, revisions and terminations of any NFRC American National Standards and the, maintenance of rosters of all Standards Committee members. The Staff Representative shall not vote on the Standards Committee.

NFRC encourages interested parties to participate in the NFRC ANS development process by becoming members of the Standards Committee. Applicants for the Standards Committee are not required to become members of NFRC and are not required to pay dues or other fees to serve on the Standards Committee. Individuals interested in serving on the Standards Committee must complete an application provided by NFRC. The Board of Directors shall appoint members to the Standards Committee based on information provided in the completed applications and on such other criteria adopted by NFRC from time to time that are intended to promote balanced participation on the Standards Committee from a broad range of interested groups and to better ensure that no single or related-interest category predominates on the Standards Committee and that no member has a disqualifying conflict of interest in serving on the committee. It is the expressed goal of NFRC that no designated interest category for the Standards Committee shall be more than one-half of the overall voting memberships of the Standards Committee and that the total number of members of the Standards Committee not exceed 30 unless the Board of Directors approves a change in that number. Membership in the Standards Committee is based on the experience and qualifications of the individual applicant and not his employer or organizational affiliate. Standards Committee membership may not be assigned or delegated by the individual member or his or her employer or organizational affiliate.

### **5.6.3 Duties of the Standards Committee**

The Standards Committee shall be responsible for approving proposals for the adoption, revision or modification of NFRC American National Standards and for maintaining NFRC American National Standards; providing oversight to ensure that the consensus process is satisfied pursuant to this Section 5.6 and performing such other duties as the Board of Directors may request from time to time.

All Standards Committee members shall actively participate in the activities of the Standards Committee, including commenting and voting on proposals submitted to the Standards Committee for action and assisting in the attempted resolution of all comments properly submitted

on such proposals and in the efficient administration of the Standards Committee's activities. The Board of Directors shall have the right to remove any Standards Committee member for cause, including for failure to return ballots on three consecutive proposals submitted for the vote of the Standards Committee members or failure to attend three consecutive Standards Committee meetings. Any Standards Committee member whose change in employment or organizational affiliation results in a change in his/her designated interest category on the Standards Committee may also be removed or reassigned to the appropriate interest category by the Board of Directors.

#### **5.6.4 Standards Committee Task Groups**

From time to time, the Standards Committee Chair may appoint ad hoc task groups or use NFRC's existing committee, subcommittee, and task group structure to address particular issues or negative comments raised by any proposal submitted to the Standards Committee relating to an existing or potential NFRC ANS and to then make recommendations for action by the Standards Committee, the Board of Directors, or other NFRC committee on such matters. Members of the task group established by the Standards Committee Chair may include Standards Committee members and others and those task groups are not required to have the balance of interest categories referenced in Section 5.6.2 above. Task groups appointed by the Standards Committee Chair may vote on matters submitted to the task group by simple majority vote of the task group members voting on that matter. NFRC may adopt rules and procedures for the composition and the operation of such task groups.

#### **5.6.5 Membership Roster**

A current roster of the members of the Standards Committee containing current contact information for such members shall be maintained by NFRC. Members of the Standards Committee shall be required to periodically complete a conflict of interest disclosure form prepared by NFRC. The membership roster and, subject to any appropriate confidentiality or legal limitations, the conflict of interest disclosure forms shall be available for review by the general public upon request.

#### **5.6.6 Proxies**

A Standards Committee member may be represented by a proxy at a Standards Committee meeting. A signed statement from the member not in attendance authorizing another Standards Committee member in the same membership category to use a proxy to vote for the absent member with respect to matters presented at that meeting shall be provided to the Chair at or prior to the meeting.

#### **5.6.7 Standards Committee Review and Balloting**

If the Board of Directors determines that an NFRC procedure shall be submitted for approval as an ANSI American National Standard, or that an existing NFRC ANS should be revised, reaffirmed or withdrawn, a written proposal (the "Proposal") describing in detail the proposed

standard for adoption, the proposed revision to the existing standard, or the proposed withdrawal of an existing standard shall be provided to the Standards Committee members and, upon request, to any other person or organization. The Proposal may be accompanied with an official ballot for Standards Committee members to vote on the Proposal. The Proposal shall also include a notice of the date, time and place for any Standards Committee meeting to be convened to discuss the Proposal. Any meeting of the Standards Committee to discuss a Proposal shall be scheduled not less than five (5) business days after the Proposal is distributed by NFRC and the meeting shall be conducted so that any Standards Committee member may participate by conference call. The ballot on the Proposal shall be completed and returned by Standards Committee members within 30 days after the Standards Committee meeting is conducted or, if no meeting is conducted, within 30 days after the Proposal and ballot was distributed to the Standards Committee members. Balloting on Proposals may be done electronically utilizing a process adopted by NFRC for such balloting.

When recorded votes are taken on a Proposal at a Standards Committee meeting, members who are absent shall be given a reasonable opportunity to vote before the meeting or within a time period after the meeting stipulated by the Chair. Any member of the Standards Committee voting at a Standards Committee meeting may submit written comments in support of his/her vote. Any Proposal circulated following a vote at a Standards Committee meeting shall include all written comments provided at that meeting and all written comments provided after that meeting and prior to the circulation of the Proposal. Following balloting on a Proposal, the results of the balloting and all written comments by members provided in connection with the balloting of that Proposal shall be distributed to the Standards Committee members. All members of the Standards Committee shall then be entitled to change their votes on the Proposal within a time period and pursuant to a process stipulated by NFRC. NFRC shall then calculate the final vote on the Proposal and notify the Standards Committee members of the result.

#### **5.6.8 Public Review and Comment**

Early notice of a new or revised Proposal shall also be submitted to ANSI using its Project Initiation Notification System (PINS) and announced for a 30 day review in ANSI's Standards Action. Any resulting comments claiming conflict or duplication with another proposed or existing American National Standard shall be addressed in accordance with the current version of ANSI Essential Requirements.

Concurrently with the consideration of a Proposal by the Standards Committee pursuant to Section 5.6.7 above, NFRC shall provide public notice of an opportunity for any interested person or organization to comment on the Proposal. NFRC shall provide such public notice, through postings on its website, e-mails to its members and outreach through other suitable media channels identified by NFRC that are intended to reach industry stakeholders materially and directly affected by the proposed action. Proposed NFRC American National Standards shall

be formally announced for public review via a filing of a BSR-8 with ANSI and shall have the following review periods:

- A minimum of 30 days if the full text of the document can be published in Standards Action
- A minimum of 45 days if the document is available in an electronic format, deliverable within one day of a request, and the source (e.g., URL or an E-mail address) from which it can be obtained by the public is provided to ANSI for announcement in Standards Action or
- A minimum of 60 days, if neither of the aforementioned options is applicable

All comments from either public review process shall be submitted in writing in a form stipulated by NFRC and directed to the Chair of the Standards Committee within the time periods authorized under the applicable provisions in the current version of ANSI Essential Requirements. Comments shall include the specific objections or proposed changes to the Proposal being requested and a detailed explanation supporting that objection or proposed change. Such comments shall be addressed according to section 5.6.11 of these procedures.

#### **5.6.9 Vote**

Standards Committee members shall vote on the balloted Proposals as follows:

- Affirmative
- Affirmative, with comment
- Negative, with reasons (the reasons shall be provided in detail and, if applicable, shall identify specific wording or actions that would resolve the negative)
- Abstain

Votes by the Standards Committee on matters other than Proposals shall be limited to Affirmative, Negative or Abstain and need not be accompanied with comments or reasons for the vote and any reasons or comments submitted need not be resolved or circulated to the Standards Committee members.

#### **5.6.10 Ballot Result**

Affirmative ballots from a majority of the total Standards Committee membership and from at least two-thirds of all Standards Committee members voting on the Proposal (excluding for such calculation all abstentions) shall be required to approve any Proposal. Any other matters submitted to the Standards Committee for approval shall require a simple majority of all votes cast by the Standards Committee members.

### 5.6.11 Consideration of Negative Ballots and Public Comments

Negative votes accompanied by comments or explanations on the Proposal received in the ballots cast by Standards Committee members and comments properly submitted in writing from the public shall be referred to the Standards Committee Chair for prompt review and action. The Standards Committee Chair shall not be required to consider negative votes accompanied by comments that are not related to the Proposal or negative votes that are submitted without written comments or explanations in the required format. Negative votes without comments or negative votes with comments not related to the proposal will be recorded as "Negative without Comments". Negative ballots and comments on a Proposal shall be resolved through one of the following means:

- (i) Resolution by communication between the Standards Committee Chair or one or more designated representatives of the Chair and the submitter of such vote or comment;
- (ii) Vote of the Standards Committee or
- (iii) At the election of the Board of Directors resolution by communication between the Board of Directors or of a designated committee of the Board of Directors and the submitter of such vote or comment.

Any resolution of a substantive negative ballot on a previously balloted Proposal that materially changes the general intent, technical content, or substantive meaning of the Proposal that are deemed necessary to properly accommodate or resolve that negative comment may, at the election of the Board of Directors, be approved by the Board of Directors or by a designated committee of the Board. All negative ballots with comments, comments from the public, and all substantive changes to the Proposal including any unresolved objections and information describing all attempts at resolution of those objections, shall then be resubmitted to the Standards Committee for a vote by written ballot and to the public for comment in accordance with the procedures described above in order to afford the Standards Committee members the opportunity to respond, reaffirm, or change their votes. Standards Committee members shall have a period designated by NFRC (but not less than 20 days) to complete this revised balloting. The results of that revised balloting shall then be determined in accordance with the procedures set forth above, including any reballoting required to resolve negative comments. The Standards Committee Chair shall advise in writing all persons submitting negative votes with comments and comments through the public review process of the action of the Standards Committee on the negative vote, and in the case of negative comments that were not accepted or resolved, shall explain the technical or procedural reason that such negative comments were not accepted or resolved. Persons submitting negative votes with comments that were not accepted or resolved, or unresolved objections from the public review, shall also be notified in writing that they have a right to appeal any action or inaction relating to that Proposal that such person believes was technically or procedurally

incorrect in accordance with the appeal procedures described below. All unresolved negative comments and related information required by ANSI, including all negative votes with and without comments, shall be reported to ANSI in accordance with ANSI's procedures.

#### **5.6.12 Ratification by Board of Directors**

Any Proposal adopted by the Standards Committee in accordance with the foregoing process shall then be submitted to the Board of Directors for final approval, along with a report of the unresolved negative comments and information describing the efforts to resolve these comments. The Board may elect to approve or reject the Proposal as submitted and the Board's decision shall be final, subject to the appeals procedure described below. The Board may make non-substantive editorial comments and corrections to the Proposal but may not make substantive changes to any Proposal submitted to the Board for action after final adoption by the Standards Committee. The Board may reject a Proposal and make recommendations for substantive changes to that Proposal but approval of any such substantive change to the Proposal must follow the procedures described above for comment and action by the Standards Committee with public input. The Board shall establish an effective date for all Proposals it approves and shall direct NFRC staff to submit the new standard or revised standard, as applicable, to ANSI for approval as an American National Standard in accordance with ANSI's requirements and procedures for such submission.

#### **5.6.13 Appeals**

Persons who have directly and materially affected interests in any Proposal or in the abandonment of an NFRC ANS or portion thereof and who have been or will be adversely affected by any failure by NFRC to follow the required due process procedures for the consideration of such matter (the "Appellant") shall have the following appeal rights.

An Appellant shall have the right, at its election, for a period of thirty (30) days after the date of the action that Appellant wishes to challenge, to appeal that matter to the NFRC Board of Directors. An appeal for inaction may be filed with the NFRC Board of Directors at any time. An appeal to the Board of Directors shall be noticed in writing with the grounds for appeal specified and the notice shall be sent by certified mail or other method which provides evidence of delivery to the Chair of the Standards Committee and to the Chief Executive Officer of NFRC, and shall specify the basis for appeal, including the specific action or inaction that is being challenged as technically or procedurally defective. Upon request by NFRC or the Appellant, the parties shall attempt to informally settle the appeal at any time during the appeal process.

The Appellant may request in writing a hearing before the Board of Directors. If a hearing is not requested with the notice of appeal, the appeal shall be resolved by the Board of Directors based on the written information and electronic data provided by the appellant and NFRC. If a hearing is requested, the Board of Directors shall, no later than fifteen (15) calendar days after the filing of the notice of appeal, notify the



Appellant of the date of the hearing, which shall be held as expeditiously as possible, but in no event later than forty five (45) days from the receipt of the notice of appeal.

No later than fourteen (14) days prior to the hearing NFRC shall file with the Board of Directors available written information and electronic data relevant to the issues subject to the appeal. The Appellant shall be provided with a copy of this material and may file such evidence as Appellant believes will assist the Board of Directors in making its determination.

At the hearing, NFRC shall present the information described in this Section 5.6.13 and explain the basis for the action or inaction challenged in the appeal. The Appellant may present evidence and witnesses on its behalf. Either party may examine witnesses of the other party.

No later than thirty (30) days after the hearing, or if no hearing is requested, thirty (30) days after final submission of the written materials and electronic data referenced in above, the Board of Directors shall issue a written decision on the appeal on behalf of NFRC. The decision of the Board of Directors is final and binding, subject to the Appellant's right to appeal to ANSI in accordance with its procedures.

In any appeal to the Board of Directors under this procedure, any Board member who has any financial, family, or organizational affiliation with the Appellant or was substantively involved in the action or inaction challenged in the appeal, or has another conflict of interest as defined in the Board's policies, shall not participate in a determination of the appeal.

#### **5.6.14 Final Actions**

NFRC shall post on the NFRC website the text and date of the approval of all new and modified NFRC ANSs and shall provide the appropriate public notice thereof through suitable media sources and through ANSI.

#### **5.6.15 Patent Policy for NFRC ANSI Approved Standards**

Any NFRC standard intended to become an ANSI approved standard will comply with the current ANSI Patent Policy.

#### **5.6.16 Retention Policy for NFRC ANSI Approved Standards**

NFRC's retention policy is that all records related to the development of consensus on proposed American National Standards shall be maintained for one complete standard cycle (i.e. until the document is revised or reaffirmed) and five years from the date of withdrawal.

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## **6. TECHNICAL OR PROGRAM INTERPRETATIONS PROCESS**

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Any NFRC Member or participant in the NFRC Product Certification Program may request an interpretation of a rating procedure or Product Certification Program document at any time in accordance with the procedures set forth in this Section 6.

## 6.1 Staff Clarifications

Upon receipt of a written request for interpretation, staff shall first attempt to address the interpretation themselves, research previously issued interpretation that respond to the request, or determine if a new interpretation is required.

Staff can provide clarification only to the rating procedures or program documents. Only the appropriate committee may make and issue official interpretations.

Staff clarifications are limited to a strict reading of rating procedure or program document language, or to issues on which committee action has previously been taken.

Any oral request for interpretation shall be followed by a written request. All written requests that can be addressed by staff clarification shall be answered in writing by staff within ten business days after receipt.

## 6.2 Types of Interpretations

The NFRC staff shall forward all written requests that require committee interpretation to the appropriate committee. TIPC is responsible for all technical interpretations of the various rating procedures. The APC is responsible for all interpretations of the Laboratory Accreditation Program and NFRC 701. The CPC is responsible for all interpretations of the Product Certification Programs and the IA-licensing program, and NFRC 700 NFRC 705 and NFRC 702. A request for interpretation, which does not fall clearly within the jurisdiction of one committee shall be sent to multiple committees for possible joint resolution.

### 6.2.1 Technical Interpretations

TIPC makes official interpretations of the technical standards.

A Technical Interpretation Request (TIR) request, including the requestor's recommended answer or resolution, is submitted and assigned to an NFRC staff member who decides if the request necessitates either a Technical Interpretation (TI) or technical arbitration. Staff shall consult with the TIPC Chair, as necessary.

The TIR and background information is then forwarded to TIPC, which shall decide whether the TIR warrants either:

- General Technical Interpretation (TI) which shall be published in the Technical Interpretation Manual, or
- Technical arbitration of a specific technical dispute regarding interpretation of NFRC technical procedures for simulations and/or tests on a specific product. The Committee's technical arbitration decision shall be binding, but not published as a general TI in the Technical Interpretation Manual

The question and background information and proposed answer is circulated to the committee members to solicit other opinions. Any NFRC member and any participant in the NFRC Product Certification Program who demonstrates an interest in the issue shall also have an opportunity

for comments to the committee, including all parties involved with a technical arbitration dispute.

TIPC shall hold conference calls (or have time allocated at NFRC regular membership meetings) to discuss and vote on any issue which has been in circulation for at least 10 working days. Members of TIPC may vote to accept, modify, or reject the proposed answer.

Upon approval by TIPC, the Technical Interpretation is considered adopted as of that date or on a date set by TIPC. Upon approval of the Technical Interpretation, the new TI is assigned a TI number and shall be published for insertion into the NFRC Technical Interpretation Manual. All Technical Interpretations are subject to approval by the Board of Directors and shall be ratified by the Board.

Upon approval by TIPC, the committee decision on a technical arbitration dispute shall be binding and considered in effect as of that date or on a date set by TIPC. Any party involved with a technical arbitration dispute may appeal the decision of TIPC to the Board of Directors.

### **6.2.2 Program Interpretations**

An NFRC Member may request program interpretations at any time. The CPC and APC shall meet periodically via teleconference call to consider program interpretations. The two Committees shall also meet at NFRC regular membership meetings. NFRC staff shall forward interpretations requested between regular membership meetings to the appropriate committee having jurisdiction within ten days of receipt. NFRC staff shall schedule a committee member conference call to occur within thirty days of the request. Upon approval by the Board of Directors, results of committee action on program interpretations shall be effective immediately and promptly delivered to appropriate entities within ten days after the teleconference or committee meeting. NFRC staff shall maintain records of all interpretations made by committees and distribute these interpretations to NFRC Members or upon the request of an NFRC Member or participant in NFRC's Product Certification Program and as directed by the Board of Directors. For program interpretations, proprietary information shall be withheld from distribution. Any committee interpretation may be appealed to the Board of Directors in accordance with the provisions of the applicable program document.

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## **7. RECORD RETENTION, IP/PATENT, COMMERCIAL TERMS AND METRIC POLICY DOCUMENTS**

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### **7.1 Policy Statements**

#### **7.1.1 Records Retention**

The six most important reasons why an organization should implement a document retention policy are: 1) to comply with legal duties and requirements, either statutory or regulatory; 2) to avoid liability through “spoliation,” the improper destruction or alteration of documents in a litigation situation; 3) to support or oppose a position in an investigation or litigation; 4) to protect from unnecessary expense and time during discovery; 5) to maintain control over discovery and e-discovery, and 6) to keep documents confidential and avoid leakage to attackers or competitors.

Thus, to facilitate the efficient and effective operation of NFRC we are implementing the following Document Retention and Destruction Plan. As a condition to your employment, you are required to follow the terms of this plan.

All business records should be kept no longer than the period necessary for the proper conduct of NFRC business. Except as designated below, no documents shall be retained longer than five (5) years. This policy shall cover all business records of NFRC, including written, printed and recorded matter and electronic forms of records, including e-mail messages in personal folders.

Employees should review their electronic files regularly and delete them where appropriate to ensure compliance with this policy.

To ensure that this policy is followed, the Deputy Executive Director has been designated Documents Review Policy manager and as such shall review the status of the policy annually. The Deputy Director is responsible for overseeing the implementation of the policy. Questions related to the policy should be directed to the Deputy Director.

S:\2005 NFRC Staff folder\Human Resources\Manual\Policies\NFRC Document Retention and Destruction Guidelines.doc

#### **GUIDELINES FOR SPECIFIC DOCUMENTS BY TYPE**

##### **Accounting and Corporate Tax Records**

- Annual financial statements - Permanent
- General ledger - 20 years
- Annual audit records - 10 years

- Journal Entries - 8 years
- Canceled checks - 8 years
- A/P paid invoices - 8 years
- Business expense records - 8 years
- Credit card receipts - 3 years
- Cash receipts - 3 years
- A/R invoices - 8 years
- Federal tax returns (excluding payroll) - Permanent
- Sales & use, property and other state tax returns - Permanent
- 1099s - 8 years

### **Bank Records**

- Stop payment orders - 3 years
- Bank reconciliations - 3 years
- Bank deposits, remittance advices, and copies of checks - 3 years
- Superseded check signature authorizations - 3 years

### **Payroll and Employment Tax Records**

- Payroll registers - Permanent
- State unemployment tax records - Permanent
- Canceled checks (Payroll) - 8 years
- Deductions register - 8 years
- Earnings records - 8 years
- Exemption certificates (W-4 & state withholding forms) - 8 years
- W-2 and W-3 withholding statements - 8 years
- Payroll tax returns - 8 years
- Notices of changes or adjustments to salary - 8 years
- Timesheets - 3 years

### **Employee Records**

- Salary schedules - 5 years
- Performance evaluations, merit pay increases and job descriptions - 5 years
- Records relating to promotion, demotion, lay-off, or discharge of employees - 5 years after termination of employment
- Immigration and Naturalization Form I-9 - 3 years after termination of employment
- Employment and Termination Agreements - Permanent
- Safety records, including logs of each occupational injury and illness, and annual summaries of all such injuries and illness - 5 years
- 401k plan documents, valuation reports – Permanent
- Employee Handbooks – 7 years

### **Legal Records**

- Articles of Incorporation, governing documents - Permanent

- General Contracts - 3 years after termination
- Real Estate contracts and documents 20 years - Permanent
- Trademark Registrations - Permanent
- Copyright Registrations - Permanent
- Patents - Permanent
- Incorporation & reorganization records including charter, bylaws, other governance documents - Permanent
- Reports and minutes of the NFRC Board of Directors - Permanent
- Insurance policies - Permanent

### **Other Records**

- Documents related to the conduct of programs can be retained or purged at the discretion of the Program Manager being mindful that they should not be retained beyond the periods of their usefulness and necessity for conducting our business. A general guideline is 10 years.
- Technical manuals – 7 years
- Listings of the membership – Permanent
- Marketing Materials – At discretion of Program Manager

### **Electronic Records:**

- Computer Disks – 5 years
- E-Mail – 1 years
- Hard Drives – 5 years
- Web Pages – 1 years

### **SUSPENSION IN THE EVENT OF LITIGATION**

If a lawsuit is filed or appears imminent, the Executive Director or NFRC's legal counsel may suspend this Policy to require that documents relating to the lawsuit or potential legal issue(s) be retained. If you receive notification that the Policy has been suspended, you must retain all of the documents the Executive Director or NFRC legal counsel instructs you to keep rather than destroying them pursuant to the Policy.

### **STORAGE INSTRUCTIONS:**

Should you wish to retain documents, please clearly label the box, and note the date of storage and your initials. If you would like the contents purged after a given time period, please indicate on the box. For example:

LAP/Round Robin Documents/ Reviewed 10/06, To Be Purged 10/16, your initials

### **PURGING INSTRUCTIONS:**

In the case of sensitive materials such as personnel records or NFRC financial data, documents should be rendered unreadable by shredding. Other documents can be discarded in our recycle bins. Those materials that are not recyclable can be discarded in general trash.

- In the case of electronic documents, deleting and emptying the recycle bin is suitable in most circumstances. Our IT staff should be consulted should you need to delete documents of more sensitive nature.

### **7.1.2 Intellectual Property (IP) and Patent Policy**

The Company shall at all times have a designated Company IP Manager who shall be responsible for monitoring the Company's patent applications and proposed American National Standards.

Upon filing of each patent application by the Company, the Company IP Manager shall review the application, with the assistance of counsel where necessary, to determine whether any proposed American National Standard includes the use of the patented invention.

Upon submission of each proposed American National Standard to ANSI, the Company IP Manager shall review the Standard, with the assistance of counsel where necessary, to determine whether any of the Company's planned or existing patent applications or issued patents may claim inventions which are included in such proposed Standard. If so, the Company IP Manager shall send to ANSI a written notice that such Standard may require the use of a patented invention.

The Company IP Manager shall monitor proposed American National Standards to alert the Company as to when approval of each Standard by ANSI is expected.

Prior to approval by ANSI of each proposed American National Standard, the Company IP Manager shall send to ANSI (in a form approved by the Institute) one of the following:

If the proposed American National Standard includes the use of a patented item, a written statement that a license to such will be made available to applicants under reasonable terms and conditions that are demonstrably free of any unfair discrimination;

or

If the proposed American National Standard does not include the use of any patented item in any of the Company's existing or planned patent applications, a written statement containing a general disclaimer to the effect that such party does not hold and does not currently intend holding any invention the use of which would be required for compliance with the proposed American National Standard.

### 7.1.3 Commercial Terms and Conditions

Provisions involving business relations between buyer and seller such as guarantees, warranties, and other commercial conditions shall not be included in NFRC standards. It is not acceptable to include proper names or trademarks of specific companies or organizations, acceptable manufacturer lists, service provider lists, or similar material in the text of a standard or in an annex (or the equivalent). Where a sole source exists for essential equipment, materials, or services necessary to determine compliance with the standard, it is permissible to supply the name and address of the source in a footnote or informative annex as long as the words “or the equivalent” are added to the reference. In connection with standards that relate to the determination of whether products or services conform to one or more standards, the process or criteria for determining conformity can be standardized as long as the description of the process or criteria is limited to technical and engineering concerns and does not include what would otherwise be a commercial term or proper name. [NFRC Commercial Terms and Conditions will comply with the current ANSI Commercial Terms and Conditions Policy in the current ANS/ Essential Requirements.](#)

### 7.1.4 Metric Policy

International System of Units (SI), the modernized metric system, is the preferred units of measurement in American National Standards. NFRC standards will use SI where that use is consistent with the technology being standardized and in the best interest of the members. ANSI approved NFRC documents will comply with IEEE/ASTM SI 10, American National Standard for Use of the International System of Units (SI)-The Modern Metric System.



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## **ATTACHMENT A – ASSIGNMENT OF COPYRIGHT PROPOSALS AND COMMENTS SUBMITTED TO NFRC, INC.**

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This Assignment of Copyright form provides for the assignment of the copyright in all proposals, comments and other written contributions, in electronic or hard copy form, submitted by the undersigned to the National Fenestration Ratings Council Incorporated (“NFRC”). This signed Copyright Assignment form will be kept on file, and will apply to all submittals you send electronically or in hard copy form to NFRC.

*I hereby assign to NFRC, without consideration, all copyrights I may own in any written contributions, proposals, and other comments in written or electronic format that I have previously submitted to NFRC or hereafter submit to NFRC (the “Contributions”). I understand that I will have no future rights in any of these Contributions and that NFRC shall own the copyright to such Contributions. I certify that I have the legal right to assign the copyright in such Contributions to NFRC, and that to my knowledge such Contributions are not protected by any copyright or other proprietary rights owned by any other person or entity.*

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

Please type or print full name: \_\_\_\_\_

Address: \_\_\_\_\_

Name of Company/Employer: \_\_\_\_\_

Contact info: Phone: \_\_\_\_\_ Email: \_\_\_\_\_

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

**PLEASE FAX AND MAIL THE ORIGINAL SIGNED COPYRIGHT ASSIGNMENT TO:**

Mail: **National Fenestration Ratings Council, Incorporated.  
6305 Ivy Lane  
Suite 140  
Greenbelt, MD 20770-6323  
Fax: (301) 589-3884**

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## **ATTACHMENT B – GUIDELINES FOR ORDERLY CONDUCT OF NFRC COMMITTEE AND SUBCOMMITTEE MEETINGS**

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The following general guidelines apply to meetings of NFRC Committees and Subcommittees. As guidelines, committee/subcommittee chairs have the discretion to enforce these requirements in a reasonable manner. The intent is that committee/subcommittee chairs will use their good judgment in applying these rules to assist NFRC in conducting its meetings in an orderly fashion, while giving interested parties a reasonable opportunity to present their views.

- All material to be presented or discussed at an NFRC scheduled meeting shall be published as a listed item of the NFRC meeting agenda. The initial agenda shall be published in advance of the meeting. All significant written or electronic presentations or documents to be handed out during the NFRC meeting shall be submitted to the committee chair and NFRC staff for review and determination of compliance with any applicable NFRC requirements. The presentations shall be submitted to the respective chair, which in turn would provide a copy to NFRC staff, no later than fifteen calendar days before the NFRC meeting date. Issues not included on the published agenda can be brought up as new business at the meeting for discussion and action.
- At a scheduled NFRC meeting, no person shall speak until the chair recognizes the person.
- Minutes shall reflect all written ballot responses and actions taken in accordance with the Operating Policies.
- All motions put forth in an NFRC meeting that have been duly seconded **MUST** be presented on a *motion form* to be formally presented to the group and incorporated into the meeting minutes. Chairs shall provide enough time for the NFRC staff to collect all motions and register them in the meeting minutes. The chair shall not proceed to a vote on an issue or to the next issue or agenda item until minute taker advises the chair that the needed action item has been duly registered, the motion form has been received, and the motion has been read to the group.
- The minute taker shall register all action items in the meeting minutes.
- Rules of common courtesy and Roberts Rules of Order generally apply to the conduct of NFRC meetings.

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## **ATTACHMENT C – DUTIES OF MEMBERS ATTENDING NFRC MEETINGS**

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- Be prepared to complete any assignments given within the time scheduled.
- Review agendas and be prepared to address the appropriate items.
- Speak only to the agenda items under consideration.
- Know the functions of the group.
- Be able to support views with facts or reasonable conclusions.
- Be a positive influence on all group actions.
- Respect other views.
- Make sure that actions to be taken, assignments given, or activities to be continued are understood.
- Read all materials provided prior to the meeting.

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## ATTACHMENT D – DUTIES OF MEETING CHAIRS

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The chair of each committee, subcommittee, and task group is responsible for well-planned and fair meetings. Since many interests are generally present at NFRC meetings, it is the chair's duty to ensure all interests are heard and dealt with fairly. The chair of each committee, subcommittee and task groups shall use *Robert's Rules of Order*. The chair is also responsible for the management of the work of the group. It is up to the chair to ensure that the work of the group is proceeding as scheduled and for overseeing the work of the group during periods between meetings.

The following are some suggestions for the chair:

- Members should understand why the group exists and what the expected goals are.
- At the beginning of each meeting, determine quorum and identify voting members (one per voting member) for each roster committee. For each subcommittee and task group, determine a well represented group of industry professionals.
- Review past minutes and recommendations and, if appropriate, make them part of the agenda.
- Distribute an agenda in time for the group Members to prepare. One of the first items on the agenda should be approval of the minutes from the last meeting, if not already approved by letter ballot or other means.
- Determine if any items are to be added to the agenda.
- Follow up with Members who have been assigned tasks to assure they are completed.
- During the meeting, follow the agenda. Make sure items are covered, and if action is to be taken, it should be completed prior to moving on to the next agenda item.
- If the discussion is not related to the agenda item under consideration, ask that it be held until the proper time on the agenda.
- Make sure all assenting and dissenting views are heard before taking any action.
- After any action or vote is taken, repeat the decision and announce the vote for, against, and abstentions ensuring that the group understands. Do not move on to another agenda item until this is done.
- Only enter into discussions to expedite the business of the group, such as keeping the discussion on the appropriate topic.
- Before adjourning the meeting, review all votes taken, recommendations made, or assignments given. Group participants should leave a meeting knowing what was decided and who is responsible for tasks prior to the next meeting.
- Make all assignments clear and concise and give a time when they should be completed. Be aware of the general principles regarding antitrust, tax exemption compliance provided by NFRC, and remind your members of those principles from time to time. If you are concerned about the legal implications of a committee's action or deliberation, contact NFRC's Chief Executive Officer to ask for input from NFRC's legal counsel.

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## ATTACHMENT E – FACILITATING INTERIM MEETING

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THIS NEEDS TO CONFORM TO THE NOTICE PROCEDURES FOR CALLING A MEETING AS REFERENCED IN THE OPERATING POLICIES

This is the process for facilitating interim meeting requests that are held virtually and not within a face-to-face format.

The following process will be followed to allow for consistent and fair answers to NFRC's valued stakeholders.

- Interim meetings can only be held in the months between the Spring and Fall meetings.
- All requests shall be submitted in writing to the appropriate staff liaison with the following items addressed:
  - Audience to be Addressed (NFRC Members, NFRC Members plus stakeholders)
  - Projected goals/outcomes of meeting
  - Reasoning why this meeting cannot be addressed at the upcoming scheduled NFRC Member Meeting or Committee Week.
  - For Ballot/RFP Review, Cycle Request: A prepared ballot document or RFP shall be submitted for staff and chair review with the request for the ballot cycle. (Note – a formal proposal/cover page may be acceptable based on chair/staff prerogative)
  - Approval from Subcommittee and Committee chairs
  - Three dates they would like staff to consider for facilitation.
- NFRC will evaluate each request carefully based on the following criteria:
  - All items as addressed in the formal request from the volunteer leadership (and liaison if applicable)
  - Full staff / industry calendar
  - Staffing resources for meeting
  - Any relevant fees associated for the Interim Meeting
  - Specific for Ballot/RFP cycle and Committee Meeting request:
    - Only one interim ballot / RFP review cycle will be allowed per year, between the Spring & the Fall meeting.
    - Timing is extremely important as a ballot / RFP review cycle takes approximately six weeks, plus a virtual meeting date(s).
    - The cycle cannot overlap with the set Fall ballot / RFP review cycle and must give appropriate time for processing work from the spring meeting.
    - These predetermined deadlines will be announced at the Spring Open Board Meeting and upon request.
- If NFRC does not authorize an Interim Meeting:

- NFRC staff will communicate an answer to the volunteer leadership with supporting reasons
- If NFRC does authorize an Interim Meeting:
  - NFRC staff will communicate an answer to the volunteer leadership
  - If it has been determined that there is a formal registration process/fee for the meeting, staff liaison will work with the meeting manager and accounting to set up registration processing.
  - Volunteer leadership will work with staff liaison, Marketing Manager and Meeting Manager to create invitational language for distribution.
  - The meeting will be scheduled via the appropriate virtual tool (i.e., GoToWebinar)
  - Meeting Manager will place appropriate notice on the website based on invitation language submitted.
  - NFRC will be sure that appropriate support staffing is in place for date.