

Standard Performance Evaluation Corporation

Violations Determination, Penalties, and Remedies

Revision 1.3

Recent Updates:

25 February 2010: BoD approved an update to section 3.5.1 paragraph 2 regarding procedure for referral of an issue to a parent committee.

12 November 2009: The SPEC Board of Directors approved this version for public release. A SPEC Confidential Supplement, with additional detail, is available to SPEC members on SPEC's private server.

Table of Contents

1. Introduction and Philosophy	3
2. Finding of violation separate from penalties/remedies	3
3. Roles.....	3
3.1 Members, licensees, and Third Party Entities.....	3
3.2 Alleged Violator.....	3
3.3 Complainant.....	3
3.4 Chair Pro Tempore.....	4
3.5 Levels of Review	4
3.5.1 Technical Subcommittee or Project Group.....	4
3.5.2 Group Steering Committee	4
3.5.3 Board.....	4
3.5.4 Appeal.....	4
4. Voluntary corrective action.....	5
5. Motions	5
5.1 Motion for finding of violation	5
5.2 Motion to re-review a result on spec.org.....	5
6. Treatment of Motions Regarding Third Party Entities	6
6.1 Approach and assumptions	6
6.2 Regarding the determination of fact	6
6.3 Communication.....	6
6.4 Individuals remain free to speak about public information	7
6.5 Additional Policies Regarding Treatment of Third Party Entities.....	7
7. Treatment of Motions Regarding Licensees and Members	8
7.1 Notification prior to a vote.....	8
7.2 Time required for consideration of motions	8
7.2.1 Motion to find violation.....	8
7.2.2 Motion to re-review	9
7.3 Voting	9
7.4 Notification of vote results.....	9
7.5 History of violations	9
7.6 Right of Appeal.....	9
7.7 Next steps.....	9
8. Proportionality between offense and penalty/remedy.....	10
9. Penalties and Remedies.....	11
9.1 Types of remedies and penalties.....	11
9.1.1 Minor Correction to Posted Benchmark Result Disclosures (minor).....	11
9.1.2 Mark Posted Benchmark Results Non-Compliant (moderate)	11
9.1.3 Formal Request for Corrective Action (minor to moderate)	11
9.1.4 Public Acknowledgment of Violation (serious)	11
9.1.5 Reprimand from SPEC (moderate to serious)	11
9.1.6 Suspension of Publication Privilege at SPEC (moderate to serious).....	11
9.1.7 Public Action by SPEC (serious).....	11
9.1.8 Termination of SPEC Benchmark License (serious).....	12
9.1.9 Suspension or termination of membership (serious)	12
9.1.10 Legal Action (serious).....	12
9.2 Notification of penalty actions.....	12
9.3 History of Penalties and Remedies	12
10. Motions to assess penalties or require remedies	13
10.1 Penalty/remedy within power of committee.....	13
10.2 Penalty/remedy requiring further approval.....	13

1. Introduction and Philosophy

The Standard Performance Evaluation Corporation (SPEC) is a non-profit corporation formed to establish, maintain and endorse a standardized set of relevant benchmarks that can be applied to the newest generation of high-performance computers. In addition to developing benchmark suites, SPEC also reviews and publishes submitted results from SPEC's member organizations and other benchmark licensees. Although SPEC does not audit tested systems, it is expected that results can be reproduced (by customers or by competitors).

SPEC has developed rules for running and reporting of results as well as for how SPEC business is conducted. The intent of these rules is to ensure that members, licensees and users of data based on SPEC products are treated fairly and equally.

In general, it is assumed that members and licensees will comply with the license and membership agreements and that compliance violations are the result of honest mistakes, ignorance of the policies and rules, or in some cases, the aggressive interpretation of perceived ambiguity in the rules.

SPEC's intent is to:

- Provide clear and unambiguous benchmark run and reporting rules.
- Have a process for determining if a violation of a rule has occurred
- For cases where it is determined that a rules violation has occurred, have a process for determining the severity of the violation and requiring a corrective action or assessing an appropriate penalty.

The creation of benchmark run rules is addressed as part of each SPEC committee's normal process. The goal of this document is to address the latter two points: the process for determining whether a rule violation has occurred and, if so, the severity of the violation and appropriate consequences.

2. Finding of violation separate from penalties/remedies

A finding of violation is a necessary pre-requisite before SPEC will impose a penalty or require a remedy. A determination of whether a violation has occurred and appropriate penalties/remedies to be assessed shall be made as described below. No penalty may be assessed, or corrective action required, unless a violation is first found to have occurred.

3. Roles

3.1 Members, licensees, and Third Party Entities

This document references SPEC *members*, benchmark *licensees*, and entities that do not have a defined relationship of membership or licensing, hereafter referred to as *Third Party Entities*. The SPEC Office can assist with determination of status.

3.2 Alleged Violator

Throughout this document, the term *alleged violator* is used to indicate a party who, it is claimed, has violated SPEC's rules or policies. Members and licensees have the right to participate in SPEC's proceedings, as described below in Section 7.1, "Notification prior to a vote". Participation by third party entities is handled on a case by case basis, as described in Section 6, "Treatment of Motions Regarding Third Party Entities"

3.3 Complainant

The term *complainant* is used to indicate a member who makes a claim that a violation has occurred.

- Note 1: at this time, SPEC has not defined a formal process for non-members to bring claims of violation, though it is possible that such a process might be defined at a later date. For now, the SPEC office will refer complaints by non-members to the Board, or to the appropriate Group Chair, who will direct how to proceed on a case-by-case basis (e.g. by assigning a member to act on behalf of the non-member).
- Note 2: it is common for the complainant to be a party who feels slighted or injured by a violation. (E.g. Company B complains after Company A issues a press release that mentions "Highest results for SPECbenchmarkYYYY" and the release forgets to include Company B's Bugle 6000 result.) However, it is not required that a complainant demonstrate such slight or injury. (E.g. a representative from Company C might choose to complain in order to establish a precedent, to uphold a notion of fairness, or on behalf of a Third Party Entity.)

3.4 Chair Pro Tempore

If the Chair of a committee considering a determination of violation, or a remedy, is either the complainant or the alleged violator, then, on request of the alleged offender, complainant, or on request of any member, an alternative presiding officer shall lead the discussion as Chair Pro Tempore. Such appointment may be requested once a motion is formally introduced and seconded, or during informal discussion prior to a motion. The Chair Pro Tempore shall ensure accuracy of the minutes, and may choose to appoint a Secretary Pro Tempore.

The Chair Pro Tempore shall not be an employee of the same entity as either the complainant or the alleged offender.

In addition, the Chair, or any candidate Chair Pro Tempore, may recuse himself or herself, if his or her impartiality might reasonably be questioned. Members of the committee may point out reasons why an individual might wish to consider recusing him or herself.

Selection of a Chair Pro Tempore shall proceed as far through the following list as may be needed, starting from the beginning, until a Chair Pro Tempore is found: the Vice Chair, the Secretary, any other elected officer of the committee, any other member of the committee; the Chair, Vice Chair, Secretary, other officer, or any member of a superior committee within SPEC; any person designated by SPEC's legal counsel of record.

3.5 Levels of Review

In this document, references to a *committee* mean whichever body is considering an action. When greater specificity is needed, one of the following three terms may be used:

3.5.1 Technical Subcommittee or Project Group

Determinations of violations of benchmark run rules are generally best handled in the responsible technical subcommittee first. The formal passage of a motion is required in order to find a violation, and, separately, a motion must be passed in order to assess a penalty.

Instead of making a finding of violation, a subcommittee may choose to collect information and request action by its parent SPEC committee. Such a request should be accompanied by all the same information that would normally be provided for a formal Motion (see section 5), including archiving of relevant written artifacts on SPEC's server. The subcommittee should state a reason why it is requesting action by the parent (e.g. the subcommittee is too small or conflicts of interest are too widespread for a credibly impartial finding). The parent committee may refuse to accept such a request, for example if it feels that the subcommittee has a better understanding of the technical issues and therefore is better suited to make the judgment.

A technical subcommittee may assess only certain penalties as noted in section 9, below. Other penalties may be recommended, but must be affirmed by the parent group or Board before being assessed.

3.5.2 Group Steering Committee

A group steering committee may be the first body to deal with a violation or may consider the violation on appeal. In the case where it is the first body to deal with a violation, instead of making a finding it may choose to refer the matter to the responsible technical subcommittee for an initial determination of violation and recommendation.

The formal passage of a motion is required for the following actions:

- Overruling the finding of a violation
- Overruling the assessment of a penalty
- Finding of a violation which the subcommittee had not already
- Assessing, affirming, or recommending a penalty which the subcommittee had not already

A group steering committee may assess or affirm only certain penalties as noted in section 9 Penalties. Other penalties may be recommended, but may only be assessed by the Board.

3.5.3 Board

If new allegations are first brought to the Board, it is generally the practice of the Board to refer the issue back to the lowest appropriate level for technical review. However, the Board may take action without prior review. Formal motions are required for the same list as just above under "Group Steering Committee".

The Board may decide appeals from decisions made by a technical subcommittee or a group steering committee.

3.5.4 Appeal

Alleged violators, complainants, and all SPEC members, have the right to appeal all decisions following SPEC's normal hierarchy, up to and including to the Board.

4. Voluntary corrective action

SPEC encourages prompt, voluntary corrective action immediately upon the realization that a potential violation has occurred. Sometimes, this action may be as simple as correcting a webpage, and SPEC may decide that no further remedy or penalty is needed.

Quick action may reduce the impact of a violation, and is often taken as a demonstration of good faith.

Voluntary corrective action is encouraged both before the beginning of any formal SPEC process (e.g. a member makes corrections after another member has merely asked a question) and after a formal process has begun (e.g. while a motion is still under consideration to require corrections, a member implements the corrections).

Once a motion has been formally made and seconded to identify a violation, the committee should formally determine whether a violation occurred, even if a satisfactory voluntary remedy has been applied. Such a determination may be useful in order to build a historical record as to whether there is a pattern of violations.

Issue rendered moot through voluntary correction: occasionally, the complainant might decide that the issue has been rendered moot after a voluntary correction, and that it is not worth spending further committee time debating it. (E.g. a trivial violation was quickly fixed.) If so, the motion may be withdrawn. Typically, though, if an issue is important enough to draw a formal motion, then it should proceed to a vote, so as to create the clear historical record.

5. Motions

5.1 Motion for finding of violation

This section describes the process by which an alleged violation is brought to SPEC.

The formal process begins when a motion is proposed in writing, and seconded, that a violation has occurred. Such a motion may be introduced in any committee (e.g. subcommittee, group steering committee, or the board), although it is usually preferable to begin at the lowest practical level, where the technical expertise is presumably greater.

The motion must include:

- A specific description of the alleged violation,
- A reference to the specific SPEC policy, benchmark license, or rule alleged to have been violated
- Whatever is known to identify the alleged violator (e.g. company name, individual name, blog handle.)
- If a voluntary corrective action has already been applied, the motion must be clear as to whether it is in reference to the original, or in reference to the corrected item. To complain about both, introduce two motions.
- Unless it is impractical to do so, the materials in question shall be archived at a permanent location on the SPEC private server, at or near to the time that the motion is introduced. If needed, the committee Chair or Secretary, or the SPEC webmasters, can assist the complainant with such archiving.

The motion should NOT include suggestions for appropriate remedies. If the complainant wishes to discuss such, they should be clearly separated from the motion to find a violation.

Example: Company A, at www.a.com/press/12sep2007.html, claims that the A2000 has the highest result for SPECint2006 of 72. This is untrue, because the Bugle 6000 has a higher result of 92, as of 12 September 2007, posted at www.spec.org. Company A has not stated a basis for comparison that might make their statement true, as required at www.spec.org/fairuse.html rule 3.b.

5.2 Motion to re-review a result on spec.org

To question one or more results published on SPEC's website, the normal process differs from that in the previous section. Instead, the beginning is a written motion to re-review a (set of) result(s). A motion to re-review need not claim that there is a violation; it need only identify sufficient reason to question whether a published result is in violation. Specific result URL(s) must be identified. Otherwise, it should follow the same format as in Section 5.1.

The intent behind requiring a motion to re-review is to ensure that published results are not changed lightly; to ensure that sufficient time is allowed to examine them when questions arise; and to allow the alleged violator an ample opportunity to research rules, policies, and precedent. However, the alleged violator may waive these rights, and may allow a motion for finding of violation (i.e. a Section 5.1 motion) to be introduced directly. Such a waiver may be appropriate when the test sponsor agrees that the result is clearly in violation.

6. Treatment of Motions Regarding Third Party Entities

6.1 Approach and assumptions

In the case of a Third Party Entity, i.e. an alleged violator who is neither a member nor licensee, SPEC's policy is to take an approach which is educational, supportive, and respectful. SPEC benchmarks are licensed software products and SPEC metrics are trademarked, so misuse of them may subject the violator to legal liability. Legal remedies are, however, our last resort. Most Third Party Entities will share at least some of SPEC's interest in correct reporting of facts, and given that they care enough to reference SPEC at all, then they will probably be open to hearing information from SPEC and making corrections.

6.2 Regarding the determination of fact

The analysis of a potential violation by a Third Party Entity needs to begin with a determination of fact. For typical obvious, and common, mistakes it is often straightforward to do so:

- i. Were the SPEC metrics referenced correctly and unambiguously (e.g. "SPECint2006", not "SPECint")?
- ii. Is essential information required by the run rules present?
- iii. Are estimates quoted for a benchmark that does not allow estimates?
- iv. If a benchmark allows estimates, were the numbers correctly identified as estimates?
- v. Is SPEC's review process represented correctly? (See <http://www.spec.org/spec/disclaimer.html>: SPEC "reviews" results, but it does not "audit", "certify", nor "warrant" them. Results remain the responsibility of the submitter.)

In cases where a determination of fact is straightforward, the committee may proceed to the finding of a violation based on the information presented.

Other potential mistakes by a Third Party entity may be harder to judge, for reasons such as:

1. No unambiguous artifact

It is relatively easy to determine the facts when there is an artifact to examine, such as a newspaper article, press release, commercial web page, or a blog. Sometimes, though, no artifact is present; all SPEC may have is an out-of-context third hand video clip, with no indication as to what other information may have been presented.

2. Academic usage.

SPEC has traditionally provided leeway for academic users and researchers to use metrics more loosely than commercial users. It may be difficult to judge whether too much leeway has been taken, especially when the writer is neither a licensee nor member.

3. Other reasons for unclear facts.

The facts may be in doubt for other reasons: for example, if a system is referenced which is sold only in country X, with web pages in a language that is poorly understood by SPEC members.

6.3 Communication

SPEC will begin by determining whether the facts are clear, as described above.

If the facts are not clear, then a SPEC representative will be designated to communicate with the alleged violator to clarify the facts. Such communication shall be done in a manner that is seen as likely to elicit a positive response.

When the facts are clear, then the motion can be voted (including in it the clear description of the problem and the reference to the rule(s) that have been violated). If passed, the Chair (or Chair pro Tempore) shall prepare a letter to the violator to politely point out SPEC's issues and request improvements.

If a Third Party Entity is uncooperative; or persists in violations of SPEC's licenses, copyrights, or trademarks; or if in SPEC's judgment harms the reputation of our benchmarks; then SPEC reserves the right to employ any remedy action at our disposal. Such action will be taken by the Board.

6.4 Individuals remain free to speak about public information

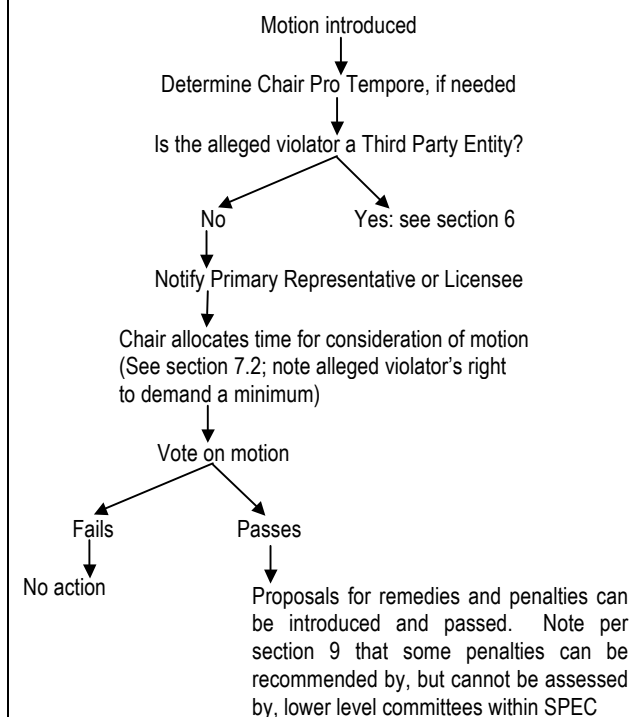
Nothing in this section shall be taken as abridging the rights of individuals (or companies) to express opinions separately, provided that such opinion is not represented as a SPEC opinion, and provided that only public information is used. ,

6.5 Additional Policies Regarding Treatment of Third Party Entities

Additional policy regarding treatment of third party entities may be applicable. SPEC members are directed to refer to the Board of Directors area of SPEC's internal server, for additional SPEC Confidential procedures.

7. Treatment of Motions Regarding Licensees and Members

Flowchart 7-1 Treatment of Motions to find violation (Section 5.1) by members and licensees



7.1 Notification prior to a vote

If a SPEC member is an alleged violator, the Chair (or Chair Pro Tempore) shall ensure that the Primary Representative is directly notified. The SPEC Office can provide advice if it is not clear who is the Primary Representative. The motion shall also be sent in written form via normal SPEC channels (e.g. meeting agenda, meeting minutes, or email to the appropriate SPEC mailing list).

In the case of an alleged violator who is a licensee but not a SPEC member, notification must be sent to the licensee prior to the finding of violation. SPEC shall offer an opportunity to participate prior to a finding that a violation has occurred. Such participation might be direct, e.g. by teleconference or email, or might be indirect, e.g. via offline contact from the Chair or SPEC's PR representative. The Chair (or Chair Pro Tempore) shall pick a participation method that is both fair, to protect the rights of the alleged violator, and practical, for example taking account of time zones and language barriers. As much as practical, non-members should be treated equally to members. Note that non-members generally do not have rights to participate on SPEC email lists and attend SPEC meetings. Thus, notices should be emailed separately to non-members from SPEC mailing lists.

7.2 Time required for consideration of motions

7.2.1 Motion to find violation

For a motion to find violation (described in Section 5.1), the amount of time required to consider the motion depends upon the complexity of the case at hand.

- At one extreme: for an obvious, unambiguous violation, the normal behavior should be that the alleged violator would simply allow the motion to pass quickly, perhaps even on the same day it is introduced.
- At the other extreme, for an alleged violation with technically complex issues, the maximum time to be allocated is the same as is normally used for original review of results.
- For cases in between, it is normal for the complainant to want quick action, and for the alleged violator to want as much time as possible to assemble counter-arguments.
- The Chair (or Chair Pro Tempore) shall select a time period that attempts to be fair to both the complainant and the alleged violator. It is understood that the selection of a time period is a judgment call. The primary guideline to the Chair is to allocate sufficient time to make the facts of the situation clear, including any needed research into relevant policies and rules. The second priority is to move quickly, so that violations are not left standing longer than necessary.
- Despite any pleas for quick action by the complainant, and despite any seeming clarity as to the facts, members nevertheless shall have the right to request, and receive, a minimum 2 business day delay between the statement of the motion and the vote upon it. The intent of this delay is to avoid any appearance of "railroading" a judgment. Note that such delay is not required, but is available at request of the alleged violator.

7.2.2 Motion to re-review

For a motion to re-review (described in Section 5.2), the Chair (or Chair Pro Tempore) shall ensure that time has been allowed to clearly state, and understand, the basis for questioning the result. Again, this is a judgment call; but as a rough guideline, it is likely that 2 business days would be both necessary and sufficient. If the Section 5.2 motion passes, then the result shall be re-reviewed. The time to be allowed for the re-review should be the same as is normally used for review of results. At the end of this period, either there is no motion, and the re-review is considered closed; or the committee votes on non-compliance (NC) and the reason for non-compliance. Additional information regarding NC markings may be found in individual group policies.

7.3 Voting

Votes on motions shall be decided using the normal voting rules of the committee.

Note that the alleged violator is not required to abstain, although in some cases one may wish to do so, e.g. in the face of a seeming conflict between SPEC principles and support for one's employer.

7.4 Notification of vote results

If the vote passes, a finding of violation will be recorded in committee minutes, and the Chair (or Chair Pro Tempore) shall ensure that the Primary Representative is notified.

For non-members who are license holder, notification of the finding will be sent by the Chair (or Chair Pro Tempore), using contact information supplied by the SPEC office.

7.5 History of violations

Each committee is required to keep some form of record, with cross references to minutes of violations, that allows both committee members and superior entities within SPEC to track the history of violations. The pointer to the committee record shall be available on the committee's home page on SPEC's private server.

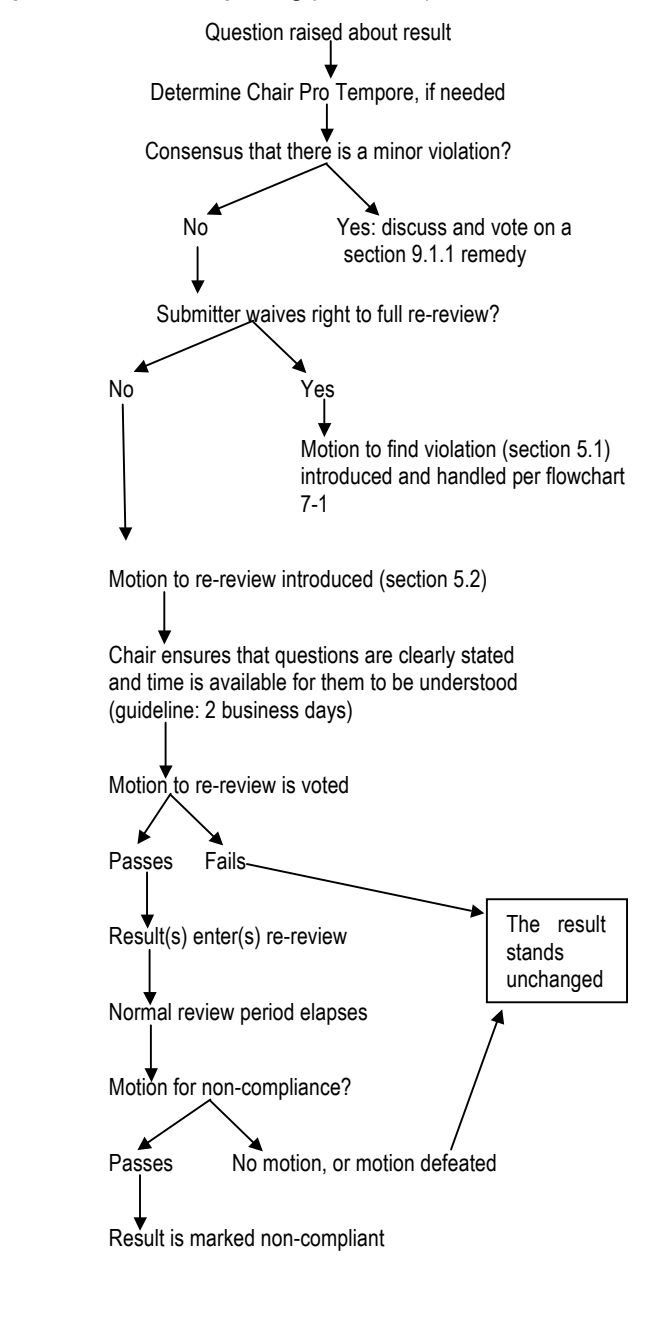
7.6 Right of Appeal

Decisions can be appealed, as described in section 3.5.4

7.7 Next steps

After it has determined that a violation occurred, a committee may require remedies and/or assess penalties. Section 8 provides guidelines for judging the seriousness of a violation. Section 9 delineates which penalties/remedies may be assessed at which levels. The treatment of motions to assess penalties/remedies are described in section 10.

Flowchart 7-2 Treatment of Motions regarding results published on www.spec.org (Section 5.2)



8. Proportionality between offense and penalty/remedy

Specific penalties may be assessed for a particular rule violation, with the intent that the penalty be appropriate to the offense and proportional to the seriousness of the offense.

Penalties can be categorized as minor, moderate, or serious; so, too, can violations. The committee which determines a penalty or remedy will consider:

- whether the violation appears to be accidental or deliberate
- whether it is a single instance or a repeating pattern
- what, if anything, the violator has done to remedy the situation
- the degree of, or breadth by which, incorrect information is propagated
- the amount or depth of the error (e.g. 2% vs. 2x)
- whether the violation incorrectly claims a record

The SPEC committee weighing the offense has some latitude to judge the gravity of the specific situation, and some latitude to judge a proportional penalty or remedy, taking into account previous history of severity of penalties applied. The following are intended to provide guidelines for these judgments.

- i. An example of a minor violation would be failure to use the SPEC-supplied boilerplate where the text does not affect the claim being made; for example, the omission of SPEC's required trademark phrase. An appropriate corrective action for a minor violation would be correcting the claim to include all the appropriate language, including updating reference copies of press releases.¹
- ii. An example of a moderate violation would be a competitive comparison that does not provide a basis for comparison.
- iii. It is a moderate to serious violation to make a claim that is demonstrably inaccurate (at the time of the claim) given the provided basis for comparison. For example, "Company X sets a new SPECjbb2005 world record in server performance", but counterexamples can be found (the press release failed to mention that the comparison is true only if the class of servers is restricted to Unix servers). A rapid correction would be required, including reference copies of press releases, web pages, and other marketing materials.
- iv. If a vendor ships systems that fail to reproduce published results within the run-rules defined tolerance, this is typically considered a moderate to serious violation. SPEC may choose to judge such a violation as minor after taking into account the factors listed at the top of this section (e.g. small result variation due to an accidental omission from the disclosure).
- v. A serious violation is blatantly incorrect, and provides a substantial advantage to the party that claimed it; for example, a world record claim for a SPEC benchmark unsubstantiated by a result compliant with the benchmark run rules, while competitors have compliant results that are better. For such cases, SPEC might require a Corrected Press Release¹.
- vi. A violation could also be judged serious due to an accumulation of repeated minor and/or moderate violations.
- vii. Refusal to provide a full disclosure report is also considered serious. For serious violations, suspension of publication privileges for that benchmark could be warranted.

¹ **Corrected Press Release not to be undertaken lightly:** Note that some paragraphs mention a requirement to issue a "**Corrected Press Release**" This term is intended to indicate the pro-active distribution of a release via similar channels as the original release (e.g. Business Wire, marketwire, e•releases, and so forth). Such distribution is a considerably greater penalty than simply updating a copy posted on the company's own web site (e.g. www.my-company-name.com/press), designated as updating the "**reference copy**" of a press release. A Corrected Press Release requires additional process and additional expense, and exposes the violator to additional opportunity for ridicule (e.g. at http://www.regrettheerror.com/press_releases/index.html). In many cases, a Corrected Press Release may not be needed – competitors can simply point to the reference copy on the company's own web site. For all these reasons, the requirement for a "Corrected Press Release" is considered a serious penalty, which is to be reserved for serious violations.

9. Penalties and Remedies

Penalties are categorized as minor, moderate, or serious. Multiple penalties may be assessed in an escalation until the violation is remedied.

The intent of these penalties is to get the attention of a responsible authority at the company in violation, to impress upon them what actions are unacceptable and why, and to persuade them to take necessary actions to rectify the situation. Some of the penalties may apply to non-member licensees as well as members, while others can be applied to members only.

Remedies may be required, and penalties may be assessed, at the levels noted (technical subcommittee, group steering committee, or the Board) under each type.

9.1 Types of remedies and penalties

9.1.1 Minor Correction to Posted Benchmark Result Disclosures (minor)

Benchmark results which have been published on the SPEC web site and later found to be in violation of the benchmark run rules should be remedied per the benchmark run rules and group policies. Generally, this means minor corrections (e.g. typographical errors) may be made to the benchmark result without further penalty. This action may be taken by a technical subcommittee, group steering committee, or by the Board.

9.1.2 Mark Posted Benchmark Results Non-Compliant (moderate)

Substantial run rule violations (e.g. failure to ship within the required timeframe) generally require that the published result be marked NC (Non-Compliant). NC markings are handled per the benchmark run rules and group policies. This action may be taken by a technical subcommittee, group steering committee, or by the Board.

9.1.3 Formal Request for Corrective Action (minor to moderate)

Fair use violations and other violations not contained directly in a result published on the SPEC web site are typically best remedied through corrective action taken by the violator. Examples of requests for appropriate corrective action include, but are not limited to, correcting erroneous data reported, updating web pages and reference copies of press releases. This action may be taken by a technical subcommittee, group steering committee, or by the Board.

9.1.4 Public Acknowledgment of Violation (serious)

For more severe errors (e.g. demonstrably inaccurate claims with wide publicity), SPEC may require the violator to take public action (e.g. issue a Corrected Press Release, described in footnote ¹ on page 10) to acknowledge that a violation was committed. This action may be taken by a group steering committee or by the Board.

9.1.5 Reprimand from SPEC (moderate to serious)

Reprimands from SPEC may be warranted for repeated violations or refusal to take corrective action within a reasonable time period. The SPEC President or SPEC Secretary may send a reprimand to the licensee or primary member representative. A cognizant executive for the violator will also be copied. The executive may be identified by a primary representative, or may be chosen by SPEC. This action may be taken only by the Board.

9.1.6 Suspension of Publication Privilege at SPEC (moderate to serious)

A violator's publication privilege (free for members, paid for licensees) may be suspended for a set period of time or until non-compliance with a rule is corrected. For a violation related to one benchmark suite, it is preferred that the suspension apply only to that benchmark suite, so that the penalty will more likely fall upon the actual violator and be more likely to elicit future compliance. However, for a violation related to multiple benchmark suites, or for a more serious violation, the suspension may be across all benchmarks of a SPEC group or across all SPEC benchmarks of all groups. Suspensions within a single SPEC group may be assessed by that group's steering committee or Board. Suspensions across all SPEC benchmarks may be assessed only by the Board.

9.1.7 Public Action by SPEC (serious)

A finding of violation may be posted to the SPEC web site, particularly if the violation involved a misrepresentation of SPEC metrics to the public, so that a public correction of fact is needed.

Note that at this time, this action is viewed as serious, and may be taken only by the Board. SPEC may decide to post violations on a routine basis. No such mechanism may be created without Board approval.

A press release from SPEC may be warranted for particularly severe violations, such as a misrepresentation of SPEC metrics being very widespread. This action may be taken only by the Board.

Note that the actions contemplated in this section are separate from corrections to results (section 9.1.1) and NC markings (section 9.1.2), which do not require Board approval.

9.1.8 Termination of SPEC Benchmark License (serious)

This penalty is farther reaching than suspension of publication privileges at SPEC, in that it also prevents publication by the violator in any venue, as well as any internal tests and measurements using the benchmark. For a violation related to one benchmark suite, it is preferred that the termination apply only to that benchmark suite. SPEC may refuse to sell benchmarks to someone who has demonstrated reckless disregard for the SPEC license or rules. This action may be taken only by the Board.

9.1.9 Suspension or termination of membership (serious)

For the most serious violations by a SPEC member, the Board may choose to suspend or terminate membership in accordance with SPEC's bylaws.

9.1.10 Legal Action (serious)

When necessary to protect SPEC's interests, e.g. blatant or repeated infringement of SPEC trademarks or violating SPEC license agreements, the Board may direct legal counsel to pursue civil litigation.

9.2 Notification of penalty actions

Remedy actions under section 9.1.1 (Minor Correction to Posted Benchmark Result Disclosures (minor)) will simply be noted in the committee minutes.

Notification of all other remedy and penalty actions will be sent via email to the violator's primary representative or to the benchmark licensee; to the mailing list of the relevant technical subcommittee, to the group steering committee, and to the Board.

Notice of penalty actions designated above as reserved to the Board shall be notified in the same manner as described in the previous paragraph. In addition a record shall be contained in the Board minutes and notification shall be sent by hard copy to the violator's primary representative or benchmark licensee, using a delivery mechanism that allows delivery tracking (e.g. registered mail).

9.3 History of Penalties and Remedies

The history of penalties and remedies shall be available for each committee in the same manner as the History of violations, described in Section 7.5

10. Motions to assess penalties or require remedies

A section 9.1.1 remedy (minor correction) is normally done by consensus, and typically does not require a motion.

A section 9.1.2 penalty (mark as NC) follows the process outlined in Flowchart 7-2.

For all other penalties and remedies, a formal motion must be introduced that:

1. References the previously-passed finding of violation (typically meeting minutes).
2. Assesses the degree of seriousness of the offense relative to the guidelines for judgment in section 8.
3. Proposes (a) specific remedy(ies) or penalty(ies).

The motion is normally introduced in the same committee that found the violation. (Exceptions are allowed; usually, though, the committee with the knowledge to determine the violation presumably also has useful information for this stage.)

Optionally, a committee may choose to consider the seriousness as a standalone motion, before proceeding to consideration of penalties or remedies.

10.1 Penalty/remedy within power of committee

If the penalty or remedy is within the power of the committee considering it (as described in section 9), the Chair (or Chair Pro Tempore) brings the motion to a vote under the usual voting rules of the committee. As in earlier deliberations, the Chair (or Chair Pro Tempore) shall endeavor to be both timely and fair. As a guideline, 2 business days between the introduction of a motion to assess a penalty and the vote on such motion should usually be adequate to research precedent and to prepare arguments.

10.2 Penalty/remedy requiring further approval

If the penalty or remedy is not within the power of the committee considering the motion, then it follows the same procedure, with the exception that it votes to **recommend**, rather than to **require**, a specific penalty or remedy. If the motion passes, then the Chair (or Chair Pro Tempore) of the recommending committee (hereafter designated RC), shall forward it to the next level within SPEC's reporting hierarchy (typically Group Steering Committee or Board), hereafter designated NLC (Next Level Committee).

The request shall:

- Be sent to the email alias for the NLC
- Be copied to the alias for the RC
- Include a specific reference to the motion that found the violation
- Assess the seriousness of the offense relative to the guidelines for judgment in section 8
- Recommend specific penalty(ies) or remedy(ies)
- Include pointers to additional information that may be useful to the NLC

The NLC normally will meet within 1 week. Following its usual voting rules, it may affirm the penalty or remedy, or, if the proposed remedy or penalty is not within its power, then it may forward its recommendation upwards.

If a penalty or remedy is not affirmed, the RC may choose to try again with a different recommendation.

As mentioned in section 3.5: it is possible that a superior committee may assess a penalty that was not recommended by the lower level committee; superior committees may delegate work back to lower level committees; and decisions may be appealed.

Note: SPEC is interested in fostering clear communications. Therefore, during deliberations of any level committee, members of superior committees are encouraged to observe the process, both by reading minutes and attending meetings.