

# **GIS Certification Institute (GISCI) Ethics Procedures**

## **1. Purpose**

The procedures defined herein are intended to guide the adjudication of ethics complaints lodged against GIS Professionals (GISPs) certified by the GIS Certification Institute (GISCI). The process begins with the submission of a formal complaint and moves through a number of steps leading to a hearing and decision. The GISCI Ethics Officer is the official responsible for adherence to the procedure and serves as the hearing officer for any hearing that may be called to adjudicate the complaint.

The ethics complaint adjudication procedure presents guidelines that were developed to accommodate the range of complaints and events that were foreseen by GISCI. In most cases, these guidelines can be followed explicitly; however, there may also be instances where variation from some aspect of the guidelines is justified. Any decision to deviate from the normal process described herein shall be made by the Ethics Officer following consultation with the GISCI Ethics Committee.

## **2. Terms**

- A. GISCI: The GIS Certification Institute.
- B. GISCI Board of Directors: The governing body of the GIS Certification Institute.
- C. GISP: A Certified GIS Professional.
- D. Accused: The GISP against whom an ethics complaint has been filed.
- E. Accuser: The person filing the ethics complaint. The accuser may be a member of the general public, and must have first hand knowledge of the act for which the complaint is being filed. The accuser is not required to be a GISP.
- F. Ethics Officer: The Executive Director of GISCI shall serve as the GISCI Ethics Officer. The Ethics Officer shall serve as the coordinator of all activities associated with the filing of ethics violations.
- G. Ethics Committee: A group of GISPs appointed to serve on the Ethics Committee at the request of the GISCI Board of Directors.
- H. Ethics Hearing Body: Five members from the GISCI Ethics Committee membership who have been assigned to a particular ethics violation case. The five members of the Ethics Hearing Body will be required to follow the case from its classification as an official complaint through the adjudication and penalty phases, if necessary.

### **3. Submitting an Ethics Charge**

All ethics charges must be filed in writing using the Ethics Charge Submission Form. The form must be signed by the accuser. There is no fee to submit an ethics charge (the complaint).

The complaint must list all available and pertinent information, including, but not limited to: the name of the accused GISP, the specific rule(s) of conduct or Code of Ethics section that may have been violated, when the alleged infraction(s) occurred, a description of the incident and the roles of the parties involved, and the relationship of the accuser to the accused. The complaint must include sufficient documentation and evidence to corroborate the complaint. The documentation and evidence may be submitted in either digital (i.e., CD-ROM) or hard-copy format.

A single individual must file an Ethics Charge Submission Form. Where multiple individuals wish to participate in the filing of a complaint, one individual must sign the form as the accuser. All other parties to the complaint may be listed as witnesses. If numerous charges are filed independently by multiple parties regarding the same ethics infraction, all parties will be asked to consolidate their complaints into a single proceeding. Separate hearings will be conducted if the accuser refuses to act in concert with other accusers.

The original signed Ethics Charge Submission Form and all supporting documentation must be submitted to the Ethics Officer as a single packet. The packet shall be mailed to the attention of the Ethics Officer at the currently published address of GISCI. An acknowledgement of receipt of the packet will be sent to the accuser.

The Ethics Officer must receive all incoming mail and be the distributor of all outgoing mail. The various involved parties may not contact each other directly with regard to the complaint. The Ethics Officer may gather additional documentation and information regarding the charge to ensure there is no ambiguity in the charges or the documentation. The Ethics Officer may communicate directly with all parties involved in filing the complaint, including the accuser and identified witnesses. The complaint must clearly demonstrate that an act allegedly constituting a violation of the GISCI Rules of Conduct has occurred. Should the Ethics Officer be unable to make a determination that a substantiated violation may have occurred, the Ethics Officer may issue a summary judgment dismissing the complaint as unfounded.

The Ethics Officer may seek the counsel of the Ethics Committee when making a determination of the sufficiency of a complaint. The Ethics Officer may provide details regarding the nature of the charge to the Committee at any time during the information gathering process; however, the Ethics Officer shall not relay any identifying information about the accuser, the

accused, or witnesses listed in the complaint. Identifying information will not be released to the Ethics Committee until an ethics charge has been deemed to be a substantiated complaint, at which time the Ethics Officer will empanel the Ethics Hearing Body assigned to adjudicate the complaint. Committee members assigned to the Ethics Hearing Body must agree to serve until the completion of the process described in this Procedure. If any member of the Ethics Committee has a substantial prior relationship with either the accuser or the accused, that member shall remove himself/herself from consideration for the Ethics Hearing Body empanelled for that specific complaint.

Any complaint not properly filed will be returned to the accuser with direction to file the form and documentation correctly.

#### **4. Confidentiality**

GISCI will not offer an option of anonymity or confidentiality to the accuser. GISCI will conduct proceedings that are discreet, to the maximum extent possible; however, the identity of the accuser will be disclosed to the accused. This ensures that both the accuser and the accused are aware of who is involved, and serves to absolve GISCI of the responsibility to protect the identity of an individual.

#### **5. Time Elapse between Infraction and Charge**

A complaint must be filed within one year of the date the alleged infraction occurred. The date of discovery of the alleged infraction shall not be considered for this purpose. In filing the complaint, alleged infractions that occurred more than one year prior to the submittal date of the complaint may be provided for historical purposes only. Such prior infractions may be considered during the penalty phase only, and must have been adjudicated by the GISCI Ethics Committee or by a court of competent jurisdiction. If a complaint is filed for an infraction that occurred more than one year prior to the charge, the Ethics Officer will inform the accuser that the charge will not be reviewed. All submitted forms and documentation will be destroyed. The date used to determine timely filing of the complaint shall be the postmark on the envelope containing the Ethics Charge Submission Form.

#### **6. Processing of Charges**

Once the Ethics Officer has determined that a complaint has been properly filed and that the complaint has merit to move forward, the Ethics Officer shall deliver all available documentation to the Ethics Hearing Body empanelled for this complaint. The Ethics Hearing Body shall review the documentation and determine if additional information is needed. If necessary, a fact-gathering phase shall be initiated by the Ethics Hearing

Body, which shall make a request of the Ethics Officer to gather specified additional information. The accuser shall be contacted by the Ethics Officer and shall submit any additional requested materials or clarifications of previously submitted materials to the Ethics Officer. Within a reasonable time after the additional information is provided, or an indication given that the information is not available, the Ethics Hearing Body shall review all available documentation and information and make its own determination as to whether sufficient evidence exists to move the complaint forward. At this point in the process, the Ethics Hearing Body may choose to issue a summary judgment dismissing the charges. In this event, the Ethics Officer shall notify the accuser of the Ethics Hearing Body's decision and the complaint shall be closed.

After the Ethics Hearing Body has made the decision to move forward with the complaint, the accused GISP will be presented with the charges. The accused will be allowed 14 calendar days to review the packet containing the charges and documentation and to enter a plea. If the 14-day period elapses without the accused submitting a plea, the Ethics Hearing Body may issue a summary judgment finding the accused guilty as charged.

Should the GISP admit to the charges, the process will move directly to the penalty phase. A minimum of 14 calendar days, from the receipt of the guilty plea, will be provided for the GISP to prepare a written statement for consideration by the Ethics Hearing Body when determining the penalty to be assessed. The Ethics Hearing Body via the Ethics Officer may also consult with the accuser in this phase.

If the GISP denies the charges, a hearing will be scheduled. The accused GISP will be provided a minimum of 30 calendar days to prepare a defense. Any extension to that period must be approved by the Ethics Officer, contingent on the ability to reschedule the hearing with all involved parties.

Prior to the formal hearing the Ethics Officer may confer with each party to gather information, to explain the process that will be followed, or for other informative purposes. The Ethics Officer can gather this information in person, via telephone, through e-mail, or by other approved means. The members of the Ethics Hearing Body may submit any questions they may have to the Ethics Officer, who will then contact the parties, as may be required to answer the questions posed. The Ethics Officer will record answers to the submitted questions and present them to the Ethics Hearing Body. The Ethics Hearing Body may subsequently ask the Ethics Officer to follow up for clarification purposes.

If third parties (e.g., witnesses) are listed in the complaint or plea response, they will also be contacted by the Ethics Officer. Witnesses will learn the identity of the accuser and the accused. Facts concerning the charge will only be released on a need-to-know basis. If an element of the charge is not

relevant to the testimony that may be offered by the third party, then that information will be withheld.

If the accused, accuser, or witnesses wish to ask questions of the Ethics Hearing Body prior to the hearing, their questions must be posed to the Ethics Officer.

## **7. Scheduling a Hearing**

The Ethics Officer will schedule the date of the hearing. Attendance at the scheduled hearing is mandatory for the following parties: the accuser, the accused GISP, the five-member Ethics Hearing Body, and the Ethics Officer. If a party cannot attend the scheduled date, another hearing may be scheduled given a viable reason. If either the accuser or the accused misses scheduled hearing dates without a viable reason, the Ethics Hearing Body may issue a summary judgment.

## **8. The Hearing**

The preferred communication method for the hearing will be via conference call. However, a hearing may be conducted in person, via conference call, or through other acceptable electronic means. Meetings will be conducted in person only if all parties attend at their own expense; GISCI will not cover the in-person meeting costs of any party, including the Ethics Hearing Body.

In addition to the mandatory hearing attendees listed in Section 7, remaining members of the Ethics Committee may attend as observers. Observers may not participate in the hearing or in the final decision. The Ethics Officer will be present to run the hearing. Approved GISCI staff members may be present to record the meeting.

Both parties to the complaint may speak for themselves during the hearing. The accuser will present the case to the Ethics Hearing Body. The accused GISP may then present a defense. Both the accuser and the accused may question witnesses.

The Ethics Officer is tasked with keeping order during the hearing. It is the role of the Ethics Officer to intervene if proper procedures are not followed or decorum is not maintained. The Ethics Officer may end a hearing at any time, and admonish or remove a party for cause.

## **9. Deliberation**

The five Ethics Hearing Body members present at the hearing must all participate in the deliberations. Whether or not they were observers at the

hearing, Ethics Committee members may attend the deliberations, but may not provide comments or judgment. The Ethics Officer will be present and may provide advice on proper procedures and clarification of the evidence offered, but may not offer any comments regarding the guilt or innocence of the accused. Approved staff members of GISCI may also be present, but may not provide comments or judgment.

The Ethics Hearing Body will review the evidence presented and weigh the testimony of both parties and any witnesses. A motion and a second are required to recommend a verdict, followed by additional discussion, if necessary. The Ethics Hearing Body will vote on whether the GISP is guilty or innocent of the charges. The vote must be unanimous, and all five members of the Ethics Hearing Body must cast a vote. If a unanimous vote for a guilty verdict cannot be obtained, the GISP will be acquitted of the charges. Observers from the Ethics Committee, the Ethics Officer, and any staff present may not cast votes.

If the GISP is found guilty, the Ethics Hearing Body will initiate the penalty phase of the process. The Ethics Hearing Body shall consider the following prior to selecting a penalty:

- the actual result of the unethical behavior;
- the possible result of the unethical behavior;
- the extenuating circumstances, if any;
- similar acts that may have occurred prior to or since the charge; and,
- the likelihood of a repeat violation.

A motion and second will be required for the proposed penalty. Following any subsequent discussion, the Ethics Hearing Body will vote on the motion. A majority vote is required for approval of the motion. Observers from the Ethics Committee, the Ethics Officer, and any staff present may not cast votes. The Ethics Hearing Body will deliberate until a penalty has been assessed.

All parties involved in the hearing will be notified of the decision of the Ethics Hearing Body.

## **10. Penalties**

**A. *Formal censure of GISP*** – The Ethics Hearing Body will prepare a statement that describes the GISP's actions and how those actions violated the Rules of Conduct. A copy of the statement will be sent to all parties participating in the process, and, following the expiration of the time for appeal or the decision on appeal if an appeal is filed, will be posted on the GISCI website, with names removed, for a period of 30 calendar days. A copy of the statement will be stored at GISCI indefinitely.

**B. Probation** – The guilty GISP will be placed on probation for a specified number of months or years. The Ethics Hearing Body will prepare a statement that describes the GISP’s actions and how those actions violated the Rules of Conduct. A copy of the statement will be sent to all parties participating in the process, and will be posted on the GISCI website, with names removed, for a period of 30 calendar days. A copy of the statement will be stored at GISCI indefinitely. If the GISP is found guilty of another ethics charge during the period of probation, s/he will have her/his credential suspended or revoked.

**C. Suspension** - The GISP will have his/her credentials suspended and will be prohibited from using the GISP designation for a fixed period of time. When that time period elapses, the credentials will be restored and use of the GISP designation may be resumed, provided certification has not lapsed. The length of the suspension period exists regardless of their certification status.

The Ethics Hearing Body will prepare a statement that describes the GISP's actions and how those actions violated the Rules of Conduct. A copy of the statement will be sent to all parties participating in the process and, following the expiration of the time for appeal or the decision on appeal if an appeal is filed, will be posted on the GISCI website for the period of the suspension. A suspended GISP will be identified to the public. A copy of the statement will be stored at GISCI indefinitely.

If the GISP’s certification ends during the suspension period, the GISP may renew his/her certification, however his/her suspension will run continuously. If the GISP allows certification to lapse and later wishes to re-obtain the GISP designation, he/she must reapply for certification.

**D. Revocation** - The GISP will have his/her credential revoked for a set period of time, or until established conditions are satisfied. After the terms of the revocation have been satisfied, the GISP may re-apply for certification.

The Ethics Hearing Body will prepare a statement that describes the GISP’s actions and how those actions violated the Rules of Conduct. A copy of the statement will be sent to all parties participating in the process and, following the expiration of the time for appeal or the decision on appeal if an appeal is filed, will be posted on the GISCI website for the period of the revocation. A GISP whose credentials have been revoked will be identified to the public. A copy of the statement will be stored at GISCI indefinitely.

**E. Permanent Revocation** - The GISP will have his/her credentials revoked in perpetuity and must immediately cease and desist in using the GISP designation. The former GISP may never reapply for certification.

The Ethics Hearing Body will prepare a statement that describes the GISP’s actions and how those actions violated the Rules of Conduct. A copy of the statement will be sent to all parties participating in the process and, following

the expiration of the time for appeal or the decision on appeal if an appeal is filed, will be posted on the GISCI website permanently. A GISP whose credentials have been permanently revoked will be identified to the public. A copy is stored at GISCI permanently.

## **11. Appeals**

Within 30 calendar days of being notified of the Ethics Hearing Body's decision, a GISP found guilty may file an appeal with the GISCI Board of Directors through the Ethics Officer using the Appeal Submission Form. The accuser shall not be permitted to appeal a dismissal or acquittal of the charges. The Board will not hear an appeal by a convicted GISP requesting a reduction in penalty. The guilty GISP will receive one opportunity for an appeal before the Board. If an appeal is filed, an appeals notice will be sent to all parties who participated in the original process.

The Ethics Officer will present the record of the case to the Board. The accuser, accused, witnesses, and the Ethics Hearing Body will not be involved in an appeal, although the accused may offer written argument stating the reasons for the appeal and noting supporting elements of the record. The Board will review the record and make a decision to confirm or reverse the decision of the Ethics Hearing Body. The Board's decision to reverse the decision of the Ethics Hearing Body must be unanimous. The Board may consult with the Ethics Officer prior to making its decision.

After the Board has made a decision, a notice of its decision will be sent to all parties who participated in the original process.

## **12. Additional Charges or Recharging a GISP**

If a GISP is found innocent of the charges, they cannot be recharged for the same violation by the same accuser. If the accuser wishes to levy an additional charge, he or she must complete another Ethics Charge Submission Form and begin the process anew.