

# ETHICS MANUAL



**GIS Certification Institute**

**Version 2.1**

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## 1. Purpose

The GIS Certification Institute (GISCI) has published this Manual to provide guidance on how to request ethics advisory opinions, file complaints regarding allegations of unethical conduct, investigate and adjudicate ethics complaints, determine sanctions, and process appeals of ethics rulings. The scope of this Manual is limited to the interpretation and application of the GISCI Code of Ethics and Rules of Conduct, and the behavior of persons holding the GIS Professional (GISP) certification. The procedures described below are available to all persons, whether holding the GISP credential or not, when they believe they may be or have been affected by the action of a GISP that may be in conflict with the GISCI Rules of Conduct.

No Manual of this type can anticipate every set of circumstances that can arise given the great variety of activities within the GIS profession. Thus, this Manual presents the general set of procedures to be applied. Additional details and variations consistent with the general provisions of this Manual may be employed from time to time in order to accommodate the particular set of circumstances present in a given question posed or complaint lodged. Particular experiences may identify the need for formal revisions of this Manual, which must be approved by the GISCI Board of Directors.

## 2. Terms Used

- A. Answer: The documents filed by the Respondent to explain or refute the significant facts and allegations contained in the ethics complaint. The answer should be organized so as to list each charge and the response.
- B. Applicant Review Committee: A standing committee of GISCI composed of GISPs in good standing that (a) maintains the GISP certification application forms and procedures, (b) advises the Board of Directors with regard to changes in application standards, and (c) supports the GISCI staff in reviewing applications for certification. The GISCI Board of Directors confirms the Committee Chair, who appoints other members to the Committee.
- C. Board of Directors: The governing body of the GIS Certification Institute; a.k.a., the Board. The Board is currently composed of two representatives from each Member Organization. One Director serves as liaison to each GISCI standing committee. The Board of Directors has two roles under this Manual. The first is to approve revisions to the Manual. The second is to serve as an appellate body for the Respondent following a finding by an Ethics Hearing Panel that an ethical violation has occurred. At no time may any party to an ethics complaint contact one or more members of the Board of Directors regarding that ethics complaint, as doing so will constitute interference with the process under Rule I.13 and will eliminate the opportunity for appeal .
- D. Case Record: The ethics complaint, the answer, and related documentary evidence supporting and opposing a conclusion of ethical violation, along with the audio recording of the hearing, the final hearing ruling, and the Respondent's statement supporting appeal. The record does not include any informal notes made by the Ethics Officer or members of the Ethics Hearing Panel, e-mails or other correspondence generated in the course of compiling data or conducting the administrative aspects of the ethics hearing, drafts of documents, and similar work products. Any evidence rejected by the Panel shall be retained in the

- record and marked accordingly. No discovery is permitted by the parties regarding any documents beyond those explicitly made a part of the case record.
- E. Charge: The allegation(s) made in the ethics complaint.
  - F. Complaining Party: The person filing an ethics complaint. The complaining party may be a fellow GISP or a member of the general public, but must have first-hand knowledge of the act motivating the complaint.
  - G. Day: A calendar day, including Saturdays, Sundays, and any official holidays, unless a qualifying word is included; e.g., business days.
  - H. Ethical Conduct: Actions in a professional capacity that are consistent with the GISCI Code of Ethics and Rules of Conduct. Ethical behavior may require a GISP to go beyond the strict letter of the Rules in order to follow the GISCI Code of Ethics. In addition, the Rules of Conduct allow a GISP to adhere to personal moral values in instances where reasonable persons may make different choices. The GISCI Code of Ethics recognizes that ambiguities may exist and personal judgment will be required to resolve them.
  - I. Ethics Advisory Opinion: A verbal or written interpretation and/or application of an ethical rule of conduct; a.k.a., an opinion. The Ethics Communications Officer may issue a verbal ethical advisory opinion upon request or on his or her own initiative. Written opinions are issued by the Ethics Committee and constitute ethics rulings of a hypothetical nature.
  - J. Ethics Committee: A standing committee of GISCI composed of GISPs in good standing that (a) proposes changes to the Code of Ethics and Rules of Conduct to the Board of Directors, (b) serves as the main GISCI advisory body for ethical practice, and (c) recommends changes to this Manual. The GISCI Board of Directors confirms the Committee Chair, who appoints other members to the Committee.
  - K. Ethics Communications Officer: A GISP in good standing who has been designated by the GISCI Executive Director to handle requests for formal and informal ethics advisory opinions. To qualify for this role, candidates should possess specialized education and/or experience related to the field of practical and professional ethics, including familiarity with the particular ethical issues that confront geospatial professionals.
  - L. Ethics Complaint: A formal charge of unethical conduct; a.k.a., the complaint. An ethics complaint must specify which of the Rules of Conduct may have been violated by a GISP. A complaint may allege that more than one rule has been violated, but a separate complaint must be filed for each instance of violation alleged. An ethics complaint is made on an approved GISCI form with supplemental information.
  - M. Ethics Hearing: The period of time during which the Ethics Officer presents the ethics complaint and documentary evidence to the Ethics Hearing Panel for adjudication; a.k.a., the hearing. The hearing occurs in three phases. The first phase introduces evidence and decides facts in dispute, while the second phase determines whether the Respondent committed an ethics violation. The third phase sets the sanction to be imposed. An ethics hearing may extend across multiple days, as required to hear evidence, render a verdict, and decide on a suitable sanction.
  - N. Ethics Hearing Panel: The group of GISPs empanelled by the Ethics Committee to adjudicate an ethics complaint; a.k.a., the Panel. The Ethics Hearing Panel

- collectively decides all questions of procedure, violation, and sanction. The Panel is actively involved in the adjudication process rather than acting as a jury sitting passively during the hearing. An Ethics Hearing Panel is typically composed of five (5) members of the GISCI Ethics Committee, although non-committee members may be included in any Panel. The minimum number of Ethics Hearing Panel members required to render a verdict is three (3). GISCI Board members may not participate on an Ethics Hearing Panel, as the Board hears and decides appeals.
- O. Ethics Officer: A GISP in good standing who is designated by the GISCI Executive Director, with concurrence by the Chair of the Ethics Committee, to investigate and process ethics complaints. To qualify for this role, candidates should possess specialized education and/or experience related to the field of practical and professional ethics, including familiarity with the particular ethical issues that confront geospatial professionals.
  - P. Ethics Ruling: The decision of the Panel, delivered in writing, as to whether the alleged violation occurred; a.k.a., the ruling. The ruling includes the allegation of unethical conduct, the decision of the Panel as to whether the alleged conduct occurred, a decision as to whether the conduct constituted a violation of one or more rules of conduct, and the sanction levied, if any. The Ethics Hearing Panel may determine that a different violation occurred than the one alleged or that additional violations occurred as a result of a single act. The Panel may also make determinations regarding the conduct of any party during the hearing itself, including the imposition of a sanction, as provided in this Manual. Any such action shall also be described in the ethics ruling.
  - Q. GIS: Geographic information system.
  - R. GISCI: The GIS Certification Institute. GISCI operates the GISP certification program.
  - S. GISCI Code of Ethics: The list of published principles all GISPs have agreed to uphold. The Code of Ethics is organized around a GISP's obligations to society, employers and funders, fellow professionals, and individuals. The GISCI Code of Ethics helps professionals make appropriate and ethical choices. By heeding this code, GIS professionals will help to preserve and enhance public trust in the discipline. Each GISP certification candidate signs an oath to uphold the GISCI Code of Ethics.
  - T. GISCI Rules of Conduct: A set of directives regarding professional practice by GISPs that expresses the primary examples of ethical behavior consistent with the Code of Ethics. The Rules are organized into four sections that parallel those of the Code of Ethics with regard to obligations to others. Each GISP certification candidate signs an oath to uphold the GISCI Rules of Conduct.
  - U. GISP: A certified GIS Professional.
  - V. Resignation: The act of relinquishing the GISP credential. A Respondent may voluntarily choose to resign his or her GISP credential. Failure to timely renew certification will be interpreted as resignation for the purposes of processing an ethics complaint. Resignation does not automatically suspend the processing of an ethics complaint that was timely filed during the person's tenure as a GISP; however, irrevocable resignation may terminate the further processing of an ethics complaint as part of a settlement of charges.

- W. Responding Party: The GISP against whom an ethics complaint has been filed; a.k.a., the Respondent.
- X. Ruling Appeal: A Respondent who is found to have committed one or more ethical violations may appeal the verdict or the sanction imposed to the GISCI Board of Directors; a.k.a., the appeal. Any such appeal must be made on the approved GISCI form within thirty-five (35) days of transmission of the ethics ruling to the Respondent. The Complaining Party has no right of appeal, nor can any party appeal a decision made during the ethics hearing, except that any party who is sanctioned as a result of his or her conduct during the ethics hearing itself may avail himself or herself of the appellate process as if he or she had been charged in a complaint.
- Y. Sanction: The action imposed by the Ethics Hearing Panel as a result of a finding of unethical behavior on the part of the Respondent. The available sanctions are:
- Admonition, a caution or advisory against such activity by the Respondent.
  - Private censure through notification of violation to the Respondent and the Complaining Party indicating that one or more rules of conduct have been violated.
  - Public censure, which involves distribution of notice to the news media identifying the offender, the nature of the offense, and the seriousness of the sanction.
  - Probation may be imposed for a specified time period, during which a subsequent ethics violation may result in the Ethics Committee levying a more severe sanction. A Complaining Party must file a formal ethics complaint in order to initiate the additional review of the Respondent's behavior.
  - Suspension of certification; i.e., temporary revocation of the GISP certification.
  - Termination of certification; i.e., immediate revocation of certification and a permanent bar to being a GISP.
- Z. Settlement of Charges: A voluntary resolution of an ethics complaint by the parties; a.k.a., settlement. The Ethics Officer may reach a settlement of charges through mediation between the parties after a formal ethics complaint has been filed. Each settlement of charges shall be documented and signed by the parties. The settlement of charges becomes an ethical obligation of the parties. Should one of the parties to the settlement believe that the other party is not adhering to the terms of that settlement, then the aggrieved party may petition the Ethics Officer for redress through the filing of an ethics complaint.
- AA. Unethical Conduct: Conduct by a GISP that has been found by an Ethics Hearing Panel to be contrary to one or more of the GISCI Rules of Conduct or that fails to be consistent with the GISCI Code of Ethics.
- BB. Violation: Unethical conduct that has been found by an Ethics Hearing Panel to be contrary to the direction provided by one or more directives contained in the GISCI Rules of Conduct. A violation committed by a GISP may lead to the imposition of a sanction by an Ethics Hearing Panel.

### **3. Ethics Officer**

The Ethics Officer administers the application of this Manual and performs functions critical to the procedures described in this Manual. When undertaking these duties, the Ethics Officer acts first as a gatherer and presenter of facts and second as an interpreter of the Code of Ethics and Rules of Conduct. The Ethics Officer acts for all parties and does not participate in deliberations of the Ethics Hearing Panel.

If the Ethics Officer has a significant personal relationship with a party to an ethics complaint, then the GISCI Executive Director, with concurrence of the Chair of the Ethics Committee, shall appoint another GISP in good standing to serve as Ethics Officer for that complaint. The Executive Director may designate more than one Ethics Officer, depending on the number and nature of complaints in process at the time. When performing the position's duties, the Ethics Officer may ask the GISCI Executive Director for assistance by Institute staff.

### **4. Requesting an Ethics Advisory Opinion**

Ethics issues need not rise to the level of a formal ethics complaint. Whenever possible, ethics guidance should be sought before the requesting party must decide on a course of action. There is no specific form for requesting an ethics advisory opinion, which may be either informal or formal in nature. The Ethics Communications Officer provides informal advice that is not binding on GISCI. Formal advice is drafted by the Ethics Communications Officer and approved by the Ethics Committee in response to a written question received or through the Ethics Communications Officer's own initiative. The primary intent of an ethics advisory opinion is to help a GISP identify an ethical course of action for a future event, either real or hypothetical. Such an Opinion can also be provided to help anyone determine whether filing an ethics complaint may be warranted with regard to a past act.

Any parties identified in the course of requesting, drafting, or transmitting informal advice shall not be publicly named. However, GISCI cannot guarantee the anonymity of any party. Both formal and informal advice regarding ethical practice of the GIS profession may be published in an article in *GISCEye*, the official publication of GISCI, or other suitable periodicals. Any article or other publication developed as a result of an ethics advisory opinion shall not name any involved party or provide such other information as may allow any party to be identified. GISPs are encouraged to discuss ethical issues among themselves and to draft articles on ethical practice for publication.

Any party, whether or not a GISP, is encouraged to seek an informal ethics advisory opinion prior to filing a formal ethics complaint. For the purposes of meeting the timely filing requirement for an ethics complaint, which is one-year following the allegedly unethical action, the tolling of time will be suspended while the request for an ethics advisory opinion is processed.

***Informal Advice***

Any person may contact the Ethics Communications Officer to discuss questions or concerns regarding ethical practice. Information provided through such informal discussions is not binding on GISCI and is not archived by the Institute. Informal advice may be requested in person, over the telephone, through e-mail, or in writing delivered via U.S. Mail. Responses to such requests may be similarly delivered in a suitable medium.

Requests for informal advice should normally be handled within 21 days; however, a longer period for response may be required when the question must be forwarded to the Ethics Committee for additional guidance before the Ethics Communications Officer prepares a response. In such an instance, the Ethics Communications Officer shall notify the requesting person of the reason for the delay and the expected timeframe for a response to be provided. Should a requestor feel that the question posed was not timely answered or if the answer received was not satisfactory, the requestor may forward the question to the Chair of the Ethics Committee for response.

***Formal Advice***

Any person may request a formal ethics advisory opinion by writing to the Ethics Communications Officer, who will confer with the Ethics Committee in drafting a response. A formal advisory opinion is binding on GISCI with regard to any future complaint of unethical conduct of the nature addressed in the opinion. Such an opinion shall not name the parties involved, nor offer such other identifying information so as to allow the parties to be known.

Requests for formal advice should normally be handled within 60 days; however, a longer period for response may be required when the Ethics Committee meeting schedule does not allow a timely response. In such an instance, the Ethics Communications Officer shall notify the requesting person of the reason for the delay and the expected timeframe for a response to be provided.

A written ethics advisory opinion serves as an extension of the Rules of Conduct by offering application and interpretation of those Rules. The formal ethics advisory opinion will be structured so as to: describe the situation and the ethical problem presented, list the applicable rule(s), give the conclusion as to what the ethical behavior should be, and state the reason(s) for such a conclusion. A formal opinion is a learning opportunity.

The Ethics Communications Officer will normally draft the formal ethics advisory opinion. The Ethics Communications Officer will transmit the draft ethics advisory opinion to the Ethics Committee at least fifteen (15) days prior to transmission of the opinion to the requesting party. If adverse comments are received from a Committee member during the review period, then the opinion shall be withheld until such time as the Committee can meet to discuss the matter. The opinion will be modified to reflect any input provided by the Committee prior to delivery to the requesting GISP.

## 5. Submitting an Ethics Complaint

Any person, whether a GISP or not, may file an ethics complaint against a GISP. All complaints must be filed in writing using the Ethics Charge Submission Form. There is no fee to submit an ethics complaint. The Complaining Party must sign the form. A complaint must be submitted to the GISCI Executive Director, who will forward the complaint and its attachments to the Ethics Officer within seven (7) days.

The Complaining Party is urged to maintain confidentiality to the extent practical and may not send a copy of the complaint to the GISP against whom the complaint has been filed or to otherwise contact that GISP or other parties regarding the complaint. GISCI cannot and will not offer an option of anonymity or confidentiality to the Complaining Party. GISCI will conduct proceedings that are discreet, to the maximum extent possible; however, the identity of the Complaining Party will be disclosed to the Respondent at the point where the Respondent is notified of the ethics complaint and asked to deny or admit the charges. This ensures that both the Complaining Party and the Respondent are aware of who is involved, and serves to absolve GISCI of the responsibility to protect the identity of an individual.

The complaint must list all available and pertinent information, including, but not limited to: the name of the Respondent, the specific Rule(s) of Conduct that may not have been followed, when the alleged violation occurred, a description of the incident, the roles of the parties involved, and the relationship of the Complaining Party to the Respondent. The complaint must include sufficient documentation and evidence to support the charges made. The complaint and supporting evidence may be submitted in either digital (i.e., CD-ROM) or hardcopy format.

A complaint is limited to a single event or related series of events. A single complaint cannot be used to allege a number of disconnected ethical failures. Each logically distinct ethical failure must be addressed in a separate complaint in order to allow each to be evaluated on its own merit.

A complaint must be filed within one year of the date of the alleged infraction. The date used to determine timely filing of the complaint is the postmark on the envelope containing the Ethics Charge Submission Form; the date of discovery of the alleged infraction shall not be considered. The one-year period begins on the last date of the allegedly unethical action. If a complaint is filed for an alleged infraction that occurred more than one year prior to the charge, the Ethics Officer will inform the Complaining Party that the charge will not be reviewed and all submitted forms and documentation will be destroyed. Although it may not be the subject of an ethics complaint, evidence of possible earlier ethics violations may be considered during an ethics hearing when it is allegedly related to the action(s) addressed in a subsequently filed complaint tied to a later alleged violation.

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 Complaining Party. All other parties to the complaint may be listed as witnesses. If multiple parties independently file complaints regarding the same ethics allegation, all parties will be asked to consolidate their complaints into a single proceeding.

### ***Frivolous and Fraudulent Complaints***

If the Ethics Officer determines at any point in the process that the complaint was filed fraudulently or frivolously, then the Complaining Party, if a GISP, may be charged by the Ethics Officer with violation of one or more of the Rules of Conduct. The applicable rules in such a case include:

- III. 4. We shall not file a frivolous charge of ethical misconduct against another GIS professional.
- III. 5. We shall not retaliate nor threaten retaliation against a person who has filed a charge of ethical misconduct against us or another GIS professional, or who is cooperating in a GISCI Ethics Committee investigation of an ethics complaint.
- III.6. We shall not deliberately or with reckless indifference commit any wrongful act that reflects adversely on our professional fitness whether or not it is specified in the Rules of Conduct.
- III.8. We shall not promote our own interest at the expense of the dignity and integrity of the profession.

## **6. Processing an Ethics Complaint**

### ***General Timeline***

The following numbered steps in the processing of an ethics complaint are provided as an aid to implementing the Manual and do not modify or expand any provision herein:

1. Complaining Party files an ethics complaint with GISCI Executive Director.
2. Executive Director must forward ethics complaint to Ethics Officer within seven (7) days.
3. Ethics Officer must send receipt acknowledgement to Complaining Party within five (5) days of receiving complaint from Executive Director.
4. Ethics Officer has 10 days from receipt to notify the Ethics Committee that an ethics complaint has been filed.
5. Ethics Officer reviews and evaluates the ethics complaint and may collect additional data or work with Complaining Party to refine the ethics complaint. There is no time limit for this activity.
  - a. If the Ethics Officer finds that the evidence does not support a conclusion that an ethical violation may have occurred, he or she must dismiss the ethics complaint.
  - b. If the Ethics Officer finds that the evidence does support a conclusion that an ethical violation may have occurred, the Ethics Officer has five (5) days to forward the ethics complaint, all related evidence, and the Ethics Manual to the Respondent.
7. The Respondent has at least 14 days, and may be allowed up to 30 days, to prepare an answer and deliver it to the Ethics Officer.
8. The Ethics Officer reviews and evaluates the ethics complaint and the answer, and may collect additional data or work with the Complaining Party to refine the ethics complaint or with the Respondent to refine the answer. There is no time limit for this activity.
9. Within five (5) days of concluding the second fact-finding and evaluation period, the Ethics Officer must forward the case record to the Ethics Committee along with a recommendation that the evidence does or does not support a conclusion that an ethics violation may have occurred.
  - a. If the Ethics Officer finds that the evidence does not support a conclusion that an ethical violation may have occurred, he or she must schedule a meeting of the Ethics Committee within 30 days to consider formal dismissal of the ethics complaint. The Ethics Committee may support or reject the dismissal recommendation.

- b. If the Ethics Officer finds that the evidence does support a conclusion that an ethical violation may have occurred, the Ethics Committee is required to form an Ethics Hearing Panel to consider the ethics complaint.
10. Should either the Ethics Officer or the Ethics Committee conclude that the evidence supports the conclusion that an ethical violation may have occurred, then the Ethics Committee will create an Ethics Hearing Panel to adjudicate the ethics complaint.
11. The Ethics Officer notifies the Respondent as to the members of the Ethics Hearing Panel. The Respondent has seven days to object, in writing, to any member of the panel for cause.
12. The hearing date and other meeting details must be set within 15 days of the final decision with regard to the members of the Ethics Hearing Panel. The hearing date must be at least 30 days, but not more than 60 days, after the date the hearing is scheduled.
13. The Ethics Officer will forward the complete case record to each member of the Ethics Hearing Panel at least 10 days before the scheduled ethics hearing.
14. The ethics hearing is conducted. The normal time to be allotted is three hours; however, there is no ultimate time limit for hearing evidence and reaching a decision.
15. If found to have violated one or more rules of conduct, the Respondent has 35 days from the date of dispatch of the ethics ruling, to file an appeal with the Ethics Officer, who shall notify the Ethics Committee, the Ethics Hearing Panel, and the Complaining Party of that fact. Any sanction levied is suspended until the Board reaches a decision on the appeal.
16. The Board of Directors hears the appeal based based on the written record of the case and the Respondent's written arguments supporting the appeal.

### ***Initial Review***

Once the complaint is received, the Ethics Officer will transmit an acknowledgement of receipt in writing to the Complaining Party using the best available medium within five (5) days of receipt. The Ethics Officer will notify the Ethics Committee of the complaint within ten (10) days of receipt, stating only the nature of the alleged unethical behavior. No identifying information will be disclosed to the Committee at this time.

The Ethics Officer will then evaluate the complaint. The purpose of this initial review is solely to determine whether the complaint and other evidence submitted, on their own, support the charge(s) levied. The purpose is not to judge whether the allegations are true or false; this review is a technical one regarding the sufficiency of the charge. The conclusion of this review phase will be the determination that the complaint is either sufficient or insufficient. If the record is incomplete or does not appear to describe an unethical action by the Respondent, the Ethics Officer will confer with the Complaining Party and explain the shortcomings of the complaint. If the shortcomings cannot be resolved so as to support a valid ethics complaint, the complaint will be dismissed, with appropriate notifications to the Complaining Party and the Ethics Committee. The case record at GISCI will be destroyed.

The Ethics Officer may personally gather additional documentation and information regarding the charge to ensure there is no ambiguity in the ethics complaint or the documentation. In doing so, the Ethics Officer may communicate directly with all parties involved in filing the complaint, including the Complaining Party and identified witnesses. The complaint and supporting evidence must clearly demonstrate that an act allegedly constituting a violation of the GISCI Rules of Conduct has likely occurred. When applicable and in conformance with the Rules of Conduct, the Complaining Party should

indicate when and how any counseling of the accused GISP (Respondent) by the Complaining Party occurred.

The Ethics Officer may seek the counsel of the Ethics Committee when determining 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 Complaining Party, the accused GISP, or witnesses listed in the complaint to the Ethics Committee unless and until a complaint has been deemed by the Ethics Officer to be supported by the evidence.

If the alleged act is the misrepresentation of qualifications for certification, the Ethics Officer may submit the original GISP application and other available documentation to the GISCI Applicant Review Committee for an evaluation relative to the standard in existence at the time of application. The Ethics Officer, in deciding whether to continue the process, will consider the decision of the Applicant Review Committee. If the Applicant Review Committee determines that the application does not warrant award of the GISP certification, then the Ethics Officer will notify the Respondent of that fact, provide guidance on how to overcome the deficiencies noted, and ask for the Respondent's resignation of the credential. The Respondent would be free to reapply for the GISP credential after removing the noted deficiencies. If the Respondent chooses not to resign, then the ethics complaint will continue to be processed.

The Ethics Officer can make one of two decisions at this point in the process: (1) that the charges are supported to the extent that further action is warranted; or (2) that the charges are not supported and should be dismissed. In this context, "support" means that the ethics complaint, on its own, describes an event that could reasonably represent an ethical failure on the part of the accused GISP. It does not mean that the ethical failure actually occurred.

Should the Ethics Officer conclude that the charges are not supported, the Ethics Officer may issue an order of summary judgment dismissing the complaint as unfounded, with appropriate notifications to the Complaining Party and the Ethics Committee. The case record at GISCI will be destroyed and the GISP against whom the allegation was lodged will not be notified of the complaint or the action taken.

If the Ethics Officer finds there is probable cause to believe that the alleged ethical violation may have occurred, the Respondent will be notified of the ethics complaint and provided with a copy of the complaint and all available evidence, whether provided by the Complaining Party or gathered by the Ethics Officer, along with a copy of this Manual within five (5) days of the Officer having reached that conclusion following the initial review.

### ***Respondent's Answer***

Unless otherwise specified by the Ethics Officer, the Respondent will be given fourteen (14) days from receipt of the complaint and supporting documentation to review the charges and to decide whether to admit the charges or to deny them. Except in extraordinary circumstances, the Ethics Officer can increase the maximum time permitted to respond to thirty (30) days.

Once a response of admission or denial has been made by the Respondent and transmitted to the Ethics Officer, the Respondent may prepare documents for consideration by the Ethics Officer and any Ethics Hearing Panel that may be formed to

hear the complaint. The answer should deny or affirm each charge in the complaint. The answer may deny any charge or fact on the grounds that the Respondent is unable to verify its validity. Each denial should state the reason for it. In most situations, the maximum time permitted for a Respondent to prepare his or her answer is 60 days from the date the Ethics Officer receives notice as to whether the Respondent admits or denies the charges. The Respondent may seek help from the Ethics Officer with regard to the form and process required by this Manual. The Respondent may additionally seek assistance from a third party in preparing the answer.

If the Respondent admits the charges, then the answer may offer an explanation for his or her action or provide other statements and evidence to the Ethics Officer.

If the Respondent denies the charges, then he or she may provide a defense to the ethics complaint. The answer may include a personal statement, affidavits supplied by other parties, and other evidence supporting the Respondent's position.

### ***Final Review***

The Ethics Officer will evaluate and organize the answer submitted, as necessary, and prepare a summary and evaluation of each significant fact and allegation in the ethics complaint and each element of the answer offered by the Respondent. The Ethics Officer may contact witnesses listed by the Complaining Party or Respondent. Any such witnesses so contacted will learn the identity of the Complaining Party and the Respondent. The Ethics Officer may solicit and organize additional information supplied by witnesses during such contacts and integrate it into the case record. The Ethics Officer may provide a supplement to the complaint to better state the allegations based on the available information. The purpose of any such supplement shall be to organize the information in a logical manner.

One of two decisions must be made at this point in the process: (1) that the charges are supported to the extent that further action is warranted; or (2) that the charges are not supported and should be dismissed. In this context, "support" means that the ethics complaint, the answer, witness statements, and other elements of the case record describe an event that could reasonably represent an ethical failure on the part of the accused GISP. It does not mean that the ethical failure actually occurred.

Should the Ethics Officer determine that a violation likely did not occur, the Ethics Officer may recommend that the Ethics Committee dismiss the complaint as unfounded. Any such recommendation must include the case record as an attachment. A meeting of the Ethics Committee shall be convened within 30 days of such a recommendation being made in order to consider it. In this role, the Ethics Committee serves in a manner analogous to that of a grand jury; i.e., to determine whether the available evidence suggests that a violation may have occurred. It is not the purpose of this review to determine whether a violation actually occurred.

Upon completion of their review, the Ethics Committee may accept the dismissal recommendation or direct that the hearing process be initiated. If the decision is to dismiss the charges, the Complaining Party and the Respondent will be notified of the decision and the case record will be destroyed by GISCI. If the decision is to proceed to the hearing phase, an Ethics Hearing Panel will be formed and the parties will be contacted to schedule the hearing.

### ***Settlement of Charges***

At any time in the adjudication process up to the point at which an ethics ruling is issued, the Ethics Officer may facilitate the settlement of charges between the Complaining Party and the Respondent, at which point further processing of the complaint will be suspended. A settlement of charges is a viable outcome when no material issues of fact are present. The Ethics Officer may elect to confer individually or collectively with the Complaining Party and the Respondent in order to reach a settlement of charges. For example, the Ethics Officer may schedule a settlement conference, either on the telephone or in person, or may communicate individually with the parties, who separately approve a single agreement. Any such settlement must reach a conclusion that is satisfactory to both parties and preserves the ethical integrity of the GIS profession.

Any settlement of charges shall be documented and submitted to the Ethics Committee for review if an Ethics Hearing Panel has not been formed. If a Panel has been formed, then it shall review the proposed settlement of charges and approve or deny it. Any meeting of the Ethics Committee or Ethics Hearing Panel to consider a settlement of charges shall not involve parties other than that body, the Ethics Officer, the Complaining Party, and the Respondent. The chair of the reviewing body may allow either or both parties to make a short statement or to answer questions before the reviewing body reaches its decision. The reviewing body may reject the settlement of charges and direct that a hearing be held, affirm the settlement as presented, or modify the settlement. If the reviewing body modifies the settlement, then the Complaining Party and/or the Respondent may object to the modifications and ask that the matter be referred for a hearing.

If the Ethics Committee or Hearing Panel affirms the settlement, then the adjudication process will end and the sanction, if any, stated in the settlement will be imposed. There is no right to a hearing or appeal for a Complaining Party or Respondent who agrees to a settlement of charges. The Ethics Officer shall bring any violation of a settlement of charges before the Ethics Committee sitting as the Ethics Hearing Panel for review and adjudication.

If the Ethics Committee rejects the settlement, the case will continue through the normal process and the Respondent's agreement to the settlement cannot be introduced as evidence of violation at any hearing held to adjudicate the matter.

### ***The Ethics Hearing Panel***

When the Ethics Officer or the Ethics Committee, as applicable, has determined that reasonable cause exists to suspect that an unethical action has occurred, based solely on the ethics complaint, the Respondent's answer to the complaint, and any available evidence, the Ethics Committee will form an Ethics Hearing Panel to adjudicate the complaint. The Panel will select one of its members to serve as its Chair.

Committee members assigned to the Ethics Hearing Panel must agree to serve until the completion of the process described in this Manual. The identities of all involved parties will be disclosed to the hearing panel at this time. If any member of the Ethics Committee has a substantial prior relationship with either the Complaining Party or the Respondent or for any other reason cannot serve impartially on the Ethics Hearing Panel, that member shall remove him- or herself from consideration for the Panel formed for that specific complaint.

The Ethics Hearing Panel should consist of five (5) assigned members and may include additional members designated as alternates, who will observe but not participate in the proceedings until called upon to become an active member of the Panel as a result of the absence or other inability of a member to participate. Once absent from the proceedings, a Panel member may not participate in further deliberations but may observe the proceedings.

Upon formation of the Ethics Hearing Panel, the Respondent shall be provided with written notice of the identities of those serving on the Panel and shall, unless otherwise agreed by the Panel, have seven (7) days to object to the participation of any of the Panel members based upon a conflict of interest; however, at least five (5) Panel members must participate in the investigation, so new members may have to be appointed to replace those that are found to be in conflict.

Once the Ethics Hearing Panel is formed and the period for objection to its members has lapsed, the Ethics Officer will provide Panel members with the complete case record compiled to date. The Panel may decide to hold a meeting to review the record. The Ethics Officer is expected to participate in such a review, if conducted, so as to explain the record. The purpose of such a review is to crystallize the issues and to identify missing information that could help the Panel reach a conclusion; it is not to adjudicate the guilt or innocence of the Respondent. However, the Panel may determine that the record does not warrant further action and dismiss the charges with appropriate notice to the parties of its decision. The Panel may also direct the Ethics Officer to seek additional information, revise the organization of the information available, conduct a settlement conference, or take other actions prior to calling for an ethics hearing.

## **7. The Ethics Hearing**

The Ethics Officer will transmit any subsequent information compiled since the case record was provided to the Respondent and the Ethics Hearing Panel, including any alternate members, at least ten (10) days in advance of the hearing date in order to ensure its timely receipt. Panel members may review the case record prior to the Hearing so as to familiarize themselves with the content.

An ethics hearing is conducted in three distinct phases. First is the evidentiary phase. The objective of this phase is to complete the case record. The second phase is deliberation, during which the Ethics Hearing Panel will reach a decision as to whether the allegations are supported by a preponderance of the evidence and, if they are, then whether the conduct constituted a violation of the Rules of Conduct. If the Panel finds that the Respondent's actions do constitute a violation of one or more of the directives contained in the Rules of Conduct, then the hearing will move to the sanction phase. The Panel will issue a written ethics ruling at the conclusion of the ethics hearing. The Respondent, if found to have violated the Rules of Conduct, may appeal the ruling to the Board of Directors, which shall be the final arbiter of any questions raised in the appeal. The Complaining Party does not have the right to appeal or to oppose an appeal.

### ***Scheduling the Hearing***

GISCI recognizes that timely resolution of complaints is of vital interest to all parties. Once the Ethics Hearing Panel is formed and the decision has been made to call for a hearing, the date, time, and manner of the hearing will be determined within fifteen (15) days. The Complaining Party, the Respondent, any identified witnesses, and the Ethics Hearing Panel must participate in setting the hearing date. Online mechanisms are preferred as a means to coordinate availability of the parties. All parties must allot at least three (3) hours to the hearing. The time of the hearing will be at least 30 days, but not more than 60 days, following the date it is scheduled. The Ethics Officer may consider a request to extend that period, contingent on the ability to reschedule the hearing with all involved parties. The hearing may be continued on a later date at a time similarly arranged; however, the 30-day delay imposed on the initial hearing date will not apply.

Attendance at the scheduled hearing is mandatory for the following persons: the Complaining Party, the Respondent, the Ethics Hearing Panel, including any alternates, the Ethics Officer, and any GISP who is notified in writing at least ten (10) days prior to the hearing that he or she may be called as a witness. Once set, the date for a hearing will not be altered except in response to an emergency recognized by the Ethics Hearing Panel. A party whose attendance is mandatory may be excused from the hearing for good cause, as may be determined by the Panel Chair. If either the Complaining Party or the Respondent misses scheduled hearing dates without a justifiable reason, the Ethics Hearing Panel may impose sanctions, at its discretion, and may find that the offending party has him- or herself violated the Rules of Conduct by withholding cooperation with the Ethics Officer (Rule I.13). A suitable sanction shall be imposed by the Ethics Hearing Panel on any party found to have committed a violation against the Rules of Conduct during the course of the adjudication process; a separate complaint and hearing process is not required.

### ***Conducting the Hearing***

The preferred communication method to conduct the hearing will be via conference call. However, a hearing may also be conducted in person or through other acceptable means. Hearings 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, but may consider doing so for the Ethics Hearing Panel and the Ethics Officer. Any decision to conduct a hearing in person must be approved by the GISCI Board of Directors. Such a decision may be justified when the parties will be present at a conference or meeting during which the hearing may be conveniently held, in order to allow a particular witness to be heard, when the nature of the evidence is such that a teleconference presentation is not appropriate, or for such other reasons as the Board of Directors may determine.

In addition to the mandatory hearing participants listed above, members of the Ethics Committee who are not on the Ethics Hearing Panel may attend as observers. Observers may not participate in the hearing or in the final decision; their presence is purely to educate themselves regarding the process and the case at hand. Similarly, alternate members of the Ethics Hearing Panel may not participate in the hearing until such time as they are required to replace an original Panel member due to absence or incapacitation. Once replaced, a Panel member may not return to the hearing as a participant; however, he or she may become an observer. Members of the GISCI Board of Directors, which may be called upon to hear any appeal of an ethics ruling, may not observe the proceedings.

The Chair of the Ethics Hearing Panel will preside at the hearing. At the appointed time, the Chair will call the hearing to order and identify him- or herself and the other members of the Ethics Hearing Panel, including alternates, if any, read the charge, and identify the Complaining Party and the Respondent. Each of the parties will announce him- or herself and introduce any witnesses present, who will, in turn, identify themselves by name and address for the case record. Participation in the hearing is a duty of all involved GISPs. Although the hearing is conducted with due consideration for the privacy of involved parties, it is not to be conducted as a "secret" event. Nevertheless, the hearing will continue even if the Complaining Party and/or the Respondent are not present out of respect for other attendees and the need for timely resolution.

The first purpose of the hearing is to ascertain the facts of the allegations made. Although the hearing is not a court of law and witnesses are not sworn to tell the truth, GISCI fully expects all parties and witnesses to honestly and completely deport themselves during the proceedings. Any testimony by a GISP that is subsequently found to be untruthful will subject the speaker to disciplinary action by the Ethics Hearing Panel under the Rules of Conduct. The same policy applies to any GISP who supplies evidence that is found to be false or fraudulently presented.

GISCI staff will make an audio recording of the hearing. Any Respondent who seeks to appeal the ethics ruling to the GISCI Board of Directors is advised to transcribe the case record at his or her own expense; however, appeals will be considered without a transcribed case record, relying only on the written case record and the ethics ruling. GISCI staff will provide a copy of the recording to the Respondent in the form of one or more audiocassette tapes or computer-readable media, as may be supported by the available equipment, for the purpose of transcription. The recording will be securely preserved by GISCI until the end of the appellate period or the decision by the Board of Directors is final, at which time it may be destroyed. The balance of the case record will be permanently retained by GISCI.

The time normally allotted for a hearing is a continuous block of three (3) hours, with one (1) hour allocated for the presentation and resolution of facts and two (2) hours for deliberation by the Panel. The Panel may vote at any time to extend the time of the hearing or to reconvene the hearing at a later time.

The Chair of the Ethics Hearing Panel is tasked with keeping order during the hearing. It is the role of the Chair to intervene if proper procedures are not followed or decorum is not maintained. The Chair may end a hearing at any time, and admonish or remove a party for cause. During the course of the hearing, each participant must identify him- or herself before speaking so that the record may be clearly maintained.

### ***Evidentiary Phase***

The hearing begins with the Ethics Officer's summary presentation of the charges made by the Complaining Party and the answer offered by the Respondent, as they may be modified by the Ethics Officer for clarity and conformance to the rules of procedure. The burden of proof is that a violation of one or more Rules of Conduct has occurred, as supported by a preponderance of the evidence. The Complaining Party will be required to affirm the complaint and the facts presented in response to a call to do so by the Chair. Similarly, the Respondent will be required to affirm the answer offered in response to the charges levied and the facts presented in that answer. Should either of these parties not be present, the documents they are to affirm may be affirmed by the Ethics Officer.

Both parties to the complaint may speak for themselves during the hearing. The Complaining Party is first offered an opportunity to speak through a personal narrative. The Respondent then may offer his or her own testimony. The time allotted for the two parties to speak is ten (10) minutes each, unless the Panel permits a longer duration. The Ethics Officer and any member of the Ethics Hearing Panel may ask questions of the Complaining Party or the Respondent following each personal statement. The Complaining Party and the Respondent do not have the right to question each other or other witnesses.

Evidence regarding the motive for the complaint or the Complaining Party's own role in the events described shall not be heard. The questions before the Panel are whether the alleged action by the Respondent actually occurred and, if it did, whether the action constituted a violation of one or more Rules of Conduct.

Following the statements made by the Complaining Party and the Respondent, the Ethics Officer may call other witnesses. Upon being called to testify, each witness will be required to state his or her name, occupation, address, telephone number, and email address. Witnesses will also be required to state their relationships to the complaining party and the responding party, if any; e.g., supervisor, co-worker, friend, etc. The Ethics Officer and members of the Ethics Hearing Panel may ask questions of any witness. The process is not adversarial, so there is no cross-examination of witnesses by the Complaining Party or the Respondent.

The hearing will continue until all statements and evidence are presented or until the time allotted has elapsed. If the time expires and the hearing must be continued at a later time, the parties are to be admonished not to speak to each other regarding the hearing. The Ethics Officer will confer with the parties to arrange a suitable time for the hearing to continue. Ideally, the hearing will be reconvened at the earliest possible date. The Ethics Officer will estimate the amount of time required to conclude the hearing in scheduling its continuation. Witnesses who have already completed their testimony may be excused from being present at subsequent times during which the hearing is continued.

After all testimony has been offered, the Chair will then end the evidentiary phase of the hearing.

### ***Deliberation Phase***

At the conclusion of the hearing's evidentiary phase, the Chair will excuse the Complaining Party, the Respondent, and all witnesses. If time allows, the deliberation phase will begin immediately following the hearing. If there is not sufficient time to render a verdict, the Ethics Officer will schedule a time for the Ethics Hearing Panel to meet at a future date to begin or resume deliberations. The active Panel members present at the hearing must all participate in the deliberations. If a Panel member cannot participate at any point in the process of reaching a verdict or determining a sanction, an alternate, if available, will replace that member, provided the alternate has been present during the entire evidentiary phase. If an alternate is not available, at least three (3) of the five (5) original Panel members must be present during the entire hearing and participate in all deliberations for the Panel to render a verdict. If this minimum number of members cannot be provided, then the hearing process must be repeated with a new Panel.

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 during deliberations and may explain procedures, describe precedent decisions in other cases, and clarify the evidence presented, but may not offer any comments regarding the guilt or innocence of the Respondent or the validity of any testimony or evidence. Approved staff members of GISCI may also be present, but may not provide comments or judgment.

Additional evidence cannot be discovered and presented during deliberations, but portions of the recorded hearing may be played for the entire Panel to refresh Panel members' memory. The Panel may also review documentary evidence introduced at the hearing. Under no circumstances may two or more Panel members discuss the case with each other except during formal deliberations until a final decision is reached. Deliberations must include the entire Panel and may not include outside parties.

### ***Question of Violation***

The Ethics Hearing Panel will review the evidence presented and weigh the testimony of the parties and any witnesses. A motion and a second are required to recommend a verdict, followed by additional discussion, if necessary. The Ethics Hearing Panel will vote to support the complaint if it finds that a preponderance of the evidence leads to a conclusion that the behavior occurred and that said behavior violated the Rules of Conduct. If more than one Rules violation has been alleged in the complaint, then each rule shall be considered separately. The vote on a motion supporting the allegation(s), as they may have been amended prior to or during the hearing, must be agreed to by a supermajority of the number of Panel members present, and all members of the Ethics Hearing Panel, as it may then be constituted, must cast a vote. A supermajority is the number of votes required to form a majority plus one. If a supermajority vote for a decision to support any charge made in the complaint cannot be obtained, then the Panel shall dismiss that charge.

In deciding the question of violation on a particular charge, it is not necessary for the Panel to find that the Respondent deliberately or with malice took the unethical action. A finding of violation may be supported by the preponderance of the evidence pointing to a conclusion that the offending behavior occurred as a result of the Respondent's action or inaction relative to the Rules of Conduct; motive is not relevant. However, the Panel may consider whether the Respondent was faced with an ethical dilemma, such as a situation where two ethical courses of action conflicted with each other.

### ***Sanction Phase***

If the Respondent is found guilty of an ethics violation, the Ethics Hearing Panel will initiate the sanction phase of the process. The Ethics Hearing Panel shall consider the following before selecting a suitable sanction:

- 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;
- prior adjudicated infractions of which the GISP has been found guilty;
- aspects of the case that suggest a degree of reasonableness or justification for the action taken; and,
- the likelihood of a repeat violation.

A motion and second will be required for the proposed sanction. Following any subsequent discussion, the Ethics Hearing Panel 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 GISCI staff present may not cast votes or attempt to influence the result. Sanctions are not listed for each applicable rule but are imposed based on the totality of the findings.

The Ethics Hearing Panel may impose corrective and educational actions upon the Respondent during the sanctions phase in lieu of or in addition to any of the other available sanctions. Such considerations as the magnitude of the violation, the number of people affected, or the severity of impacts may influence the Panel in selecting the appropriate sanction.

### ***Ethics Ruling***

The ethics ruling issued at the conclusion of the hearing shall be prepared and approved by the Ethics Hearing Panel. The written ruling must state the general facts of the case, list each alleged rule violation, and specify the Panel's determination regarding each alleged violation. Although it is in the Ethics Hearing Panel's discretion whether to explain any aspect of the ethics ruling, the overall document should clearly express the decisions made so as to serve as an educational tool for ethical behavior by all GISPs.

The Ethics Officer or a member of the Ethics Hearing Panel may draft the ethics ruling, but all members of the Ethics Hearing Panel who participated in the ruling must vote to accept it. The ethics hearing concludes when the panel has approved the ethics ruling.

All ethics rulings shall be distributed by the Ethics Officer to the Ethics Committee, the Complaining Party, the Respondent, and each member of the Ethics Hearing Panel, including those who were unable to complete their service on the panel.

## **8. Appeals**

A Respondent may file an appeal with the GISCI Board of Directors through the Ethics Officer using the approved Ethics Ruling Appeal Form. Unless otherwise provided by the Board or the Hearing Panel, such appeal must be received by the Board within thirty-five (35) days of transmission of the ethics ruling. The Complaining Party may not appeal a dismissal of the charges. A Respondent found guilty by the Ethics Hearing Panel will receive one opportunity for an appeal before the Board of Directors. Any such appeal must offer written argument stating the reasons for the appeal and noting supporting elements within the case record. Relevant portions of the record noted by the

Respondent in the appeal should be formally transcribed by a licensed court reporter. If an appeal is filed, the Ethics Officer will send a notice of the appeal to the Ethics Committee, the Ethics Hearing Panel, and the Complaining Party.

The time for the Board meeting at which the appeal will be heard shall be established by the GISCI President, as part of his or her normal duty to establish the agenda for such meetings. The Ethics Officer will present the case record and the written appeal to the Board at the designated time. The Complaining Party, Respondent, witnesses, and the Ethics Hearing Panel will not be involved in the appellate hearing.

### ***Appellate Hearing***

The Board will review the case record and the appeal and make a decision to confirm or reverse the decision of the Ethics Hearing Panel. Any decision to reverse the ruling of the Ethics Hearing Panel or to refer the matter to the Panel for reconsideration and possible modification must be supported by a majority of the unrecused Directors. The Board may consult with the Ethics Officer prior to making its decision. The Board may decide to: (1) affirm the decision and sanction imposed; (2) invalidate the verdict and direct the Ethics Hearing Panel to reconsider the evidence in conformance with the Board's direction; (3) affirm the decision and direct the Ethics Hearing Panel to reconsider the sanction in conformance with the Board's direction.

After the Board has made a decision, the Ethics Officer will send a notice of its decision to the Ethics Hearing Panel, the Ethics Committee, the Complaining Party, and the Respondent. Any sanction delayed by the appeals process will be imposed within seven (7) days of the Board's decision to affirm the ethics ruling.

### ***Reconsideration by the Ethics Hearing Panel***

Should the Board direct the Ethics Hearing Panel to reconsider the ethics ruling, the imposition of penalties will be suspended until such time as the Board renders a final decision. The Ethics Hearing Panel will reconvene to reconsider the ruling in accordance with any direction supplied by the Board of Directors. The rules applying for the period of reconsideration are the same as those for reaching a final verdict. The Panel may revise its ruling, including the sanction levied, and submit the ruling to the Board for a final decision. The Panel may also reaffirm its original ruling and resubmit it to the Board for final action. Regardless of the decision of the Panel, the ethics ruling must be accompanied by a summary of the actions taken by the Panel and the reason(s) for them.

## **9. Subsequent Filing of Charges**

If the charges against a Respondent are dismissed for whatever reason, or the Board of Directors reverses a ruling supporting the charges, the same charges cannot be part of a subsequent complaint filed by the same Complaining Party. If the Complaining Party wishes to allege an additional or alternative charge once a ruling has been issued and affirmed, then he or she must complete another Ethics Charge Submission Form and begin the process anew.

## **10. Supplementing and Amending this Manual**

The GISCI Ethics Committee or the Ethics Officer may supplement the provisions of this Manual by issuing clarifications of one or more of its provisions or adjusting the conduct of proceedings within the scope of their duties in order to better accommodate the specifics of a given ethics complaint. Such clarifications and adjustments may enhance but not amend the provisions of this Manual. A verbal clarification or adjustment shall be analogous to an informal ethics advisory opinion. Any written document produced in such an instance shall be processed in a manner analogous to that used for a formal ethics advisory opinion.

The GISCI Ethics Committee may amend this Manual at any time with concurrence of the GISCI Board of Directors. Such an amendment may apply to only new ethics complaints or to existing ethics complaints that are still in process, as may be determined by the Board of Directors.