

SCAPA

Subject: Code of Ethics Violation, Investigation, Determination, and Censorship

Primary Responsibility: Vice President and Ethics Committee

Policy:

SCAPA and its members must adhere to professional Ethical Standards. This is ensured through the SCAPA Code of Ethics and By-Laws, under the direction of the SCAPA Vice President and Ethics Committee.

Purpose:

To establish guidance for the investigation, determination, and censorship following a complaint regarding a Code of Ethics Violation by a SCAPA member or a member of the SCAPA Board.

Reference:

Disciplinary Procedure Section 1

Disciplinary action shall be taken against a member when there has been a determination by the Ethics Committee of SCAPA that a member has engaged in conduct, which is in violation of the SCAPA Code of Ethics. Disciplinary action shall be taken against a Board member when there has been a determination by the Ethics Committee of SCAPA that a Board member has engaged in conduct, which is in violation of the SCAPA Code of Ethics. Disciplinary action related to the violation of the SCAPA Code of Ethics:

- 1. Disciplinary procedures under this section shall result upon the determination of an Ethics Committee that a SCAPA member has demonstrated conduct materially and seriously prejudicial to the interest or purposes of the association. The Ethics Committee shall consist of the Executive Committee chaired by the Vice President.*
- 2. The seriousness of the unethical conduct as determined by the Ethics Committee shall determine the disciplinary action to be applied.*

3. *The three (3) types of discipline, which may be applied, shall be:*
 - a. *A censure, which shall consist of a written reprimand detailing specific instructions to correct the action(s).*
 - b. *Suspension of membership for a determined number of years. During the suspension of membership status the member shall lose all membership privileges.*
 - c. *Termination of membership; dues shall not be refunded.*
- B. Disciplinary action related to a violation of the SCAPA Code of Ethics for the Board of Trustees:*
1. *The censure process under this section shall function to assure that all persons serving SCAPA in an official capacity uphold the duties and responsibilities of his or her position as prescribed in the established SCAPA Policies and Procedures.*
 2. *The censure of a person serving in an official capacity of SCAPA shall be defined as removing said person from functioning in any official capacity for SCAPA.*
 3. *The censure process shall proceed according to SCAPA Policies and Procedures.*

Definitions:

“Conduct materially and seriously prejudicial to the interest or purpose of the association,” shall be defined as any conduct by a SCAPA member that is contrary to ethical conduct.

Ethical Conduct shall be defined as actions or statements which:

1. Are in harmony with SCAPA Policies and Procedures, and/or rendered for the purpose of furthering SCAPA’s interests and professional cohesiveness;
2. Substantially adhere to the SCAPA Code of Ethics; and
3. Present accurate and complete representation of facts.

Unethical Conduct would therefore be illustrated as any actions or statements which:

1. Willfully and knowingly circumvent SCAPA’s Policies and Procedures for ulterior motives or gains;
2. Are substantially contrary to the SCAPA’s Code of Ethics; and
3. Intentionally omits pertinent facts or information.

Plaintiff shall be defined as the individual making the complaint.

Accused shall be defined as the individual accused of a Code of Ethics violation.

Disciplinary Action:

The seriousness of the unethical conduct shall determine the application of the following disciplinary action(s):

1. Permanent termination of membership in any category.
 - a. Membership dues shall not be refunded.
 - b. Lifetime membership shall be suspended.
2. Suspension of membership in any category for a minimum number of years(s).
 - a. During the suspension of membership status, the member shall lose all membership privileges.
 - b. To be reinstated to previous membership category after the established suspension period, the member must:
 - i. Submit a written statement to the SCAPA Board apologizing for the unethical conduct;
 - ii. Maintain ethical conduct during the suspension period;
 - iii. Continue to pay SCAPA dues during the suspension period; and
 - iv. Meet all other criteria required for membership.
3. A censure shall consist of a written reprimand detailing specific instructions to correct the action(s).

Procedures:

1. The Vice President must receive a written letter of complaint detailing the breach of the Code of Ethics.
2. In the event someone other than the Vice President receives written information about the conflict or complaint, it shall be forwarded to the Vice President.
3. In the event the Vice President is named in the Ethics Charge, the President shall chair the Ethics Committee.
4. The Vice President contacts the Ethics Committee members (SCAPA Executive Committee)
5. There shall be a one (1) year Statute of Limitations regarding the filing of an Ethics Complaint.
6. In the event an Ethics issue arises with an Ethics Committee member, the Ethics Committee member who is the subject of the complaint shall be removed from the Ethics

Committee until a final determination is made regarding the complaint.

- a. After the final determination is made, the suspended Ethics Committee member shall be reinstated when the complaint is unfounded.
 - i. After the final determination is made, the suspended Ethics Committee member shall be removed when the complaint is founded.
6. The investigation and disposition of the charges shall be completed within three (3) months of the receipt of the written complaint.
7. Depending on the level of severity of the charges.
 - a. A one (1) month extension may be granted, by a simple majority vote of the Ethics Committee.
12. The Vice President shall black out all references to the name and contact information of the accused, before sending a copy of the letter of complaint to the Ethics Committee, where feasible
13. The Vice President shall remind the Ethics Committee to maintain the confidentiality of the accused.
14. The Ethics Committee shall keep **all** information pertaining to the complaint of the Code of Ethics violations confidential.
 - a. This policy shall remain in effect during and after the close of the investigation.
15. The Ethics Committee shall be instructed to keep all emails and correspondence pertaining to the complaint until the Vice President turns the completed, sealed, file over to the President for safe keeping in the SCAPA safe.
16. The Vice President shall contact all individuals listed in the complaint as having evidence; asking them to provide **written** testimony of the situation(s).
 - a. Contact may be by certified letter, return receipt requested; or
 - b. Email with recipient receipt notification.
17. The Vice President shall draft a letter of the complaint to the accused.
 - a. This shall include at least the following:
 - i. Plaintiff's name;
 - ii. Outline of the complaint;
 - iii. Timeline for response; and
 - iv. Where to send the **written** response.

18. The Vice President shall instruct the accused to respond in **writing** within thirty (30) days of the postmark on the letter.
19. The Vice President shall send a certified, return receipt requested, packet containing all the documents pertinent to the ethics charges to the accused.
20. The Vice President shall also send the same packet of information to the Ethics Committee, via e-mail, on the same day the packet is sent to the accused.
21. Copies of the accused individual's written response and additional written testimony shall be sent to the Ethics Committee.
22. The Vice President shall serve as a non-voting Chair and advisor to the Ethics Committee.
23. The Vice President shall assist in the provision of additional information requested by the Ethics Committee and shall respond to questions from the Ethics Committee.
24. The Ethics Committee shall conduct a discussion/investigation via email or other appropriate electronic means, e.g., conference calls, video conferencing, Skype, etc.
 - a. The Vice President and Ethics Committee shall keep copies of all email correspondence.
 - b. The Vice President shall keep minutes of all electronic discussions and distribute copies of these minutes to the Ethics Committee.
 - a. Discussion(s) about the investigation shall be kept confidential.
25. The Ethics Committee shall make a decision.
 - a. To help the Committee make a decision, the Vice President shall send copies of all pertinent documents related to the complaint:
 - i. By-Laws;
 - ii. Code of Ethics; and
 - iii. Policies and Procedures.
26. The Ethics Committee shall review the evidence and make recommendations regarding the judgment.
 - a. This judgment may include, but is not limited to:
 - i. Complete exoneration;
 - ii. A probationary period of reprimand, with a specific timeframe;
 - iii. Immediate removal from office;
 - iv. Termination of membership; or
 - v. Other appropriate action determined by the Ethics Committee.

27. The Vice President shall draft a letter, based on the Ethics Committee's Report, to the accused and plaintiff, explaining the decision of the Ethics Committee.
 - a. The Vice President shall include the Code of Ethics statements(s), Policies and Procedures, and By-Laws supporting the Ethics Committee's decision.
 - b. The Vice President shall include information about the accused and/or plaintiff's right to appeal the decision.
28. The final documents shall be sent to the Ethics Committee members for their approval prior to being mailed to the accused and plaintiff.
29. The letter and Ethics Committee's Report shall be sent to the accused and plaintiff by certified mail, return receipt requested.
30. The accused and/or plaintiff shall have thirty (30) days from the postmark on the letter to submit a request for an appeal of the decision.
31. In the event of an appeal, the Executive Board shall serve as the Appeals Board.
32. The Vice President shall serve as moderator to present the case to the Appeals Board.

39. The Vice President shall provide the original letter from the plaintiff, all documentation gathered during the investigation, and all correspondence regarding the matter to the Appeals Board.
40. In the event an Officer is removed from office and an appeal is made, the Executive Committee can appoint a member to serve in an interim position.
41. In the event there is no appeal, the Vice President shall seal **all** pertinent documentation regarding the Code of Ethics violation in an envelope and label it “**Confidential – Ethics – DO NOT OPEN**.”
 - a. A date shall be added to the front of the envelope specifying the exact date the documentation within the sealed envelope shall be shredded.
 - b. A Log Sheet shall be taped to the front of the envelope.
 - i. Any individual opening the sealed envelope shall affix his or her signature, date, and reason for opening the envelope on the Log Sheet.
 - ii. The envelope shall be resealed after the needed information from the envelope has been retrieved.
42. The Vice President shall send the packet by certified mail, return receipt requested, to the President or hand the packet to the President at with instructions to place the **unopened** packet in the sealed file at the NAAP Office.
43. The Vice President shall instruct the Ethics Committee to shred all paper documentation and delete all emails in their possession pertaining to the Ethics Charge.
44. At the next Board meeting, the Vice President shall notify the full Board of Trustees about the Code of Ethics violation and the action taken.
 - a. The confidentiality of the accused, plaintiff, and Ethics Committee members shall be maintained.
45. To ensure that all sanctions are adhered to, the Vice President and President shall maintain a list of censured SCAPA Members for the period of the censorship.
 - a. If the Vice President or President changes during this time, the new Vice President and President shall be informed of any outstanding sanctions against a SCAPA member.
46. After the end of the sanctions, the Ethics Committee shall review the professional conduct of the individual and determine if further sanctions are warranted.