AIPG Disciplinary Procedures

Section 1. Allegations of Misconduct

1.0 Introductory Notes
AIPG’s Disciplinary Process involves professional judgments by an AIPG Member’s professional peers and is not strictly a legal process. AIPG’s Code of Ethics does not have the force of law as it applies only to AIPG Members. However, it is possible that the results of an AIPG Disciplinary Proceeding may be used in subsequent legal proceedings brought by state licensing boards, regulatory agencies, or others. AIPG will not provide information about a Disciplinary Proceeding unless:

- Disclosure is made pursuant to Section 1.7.2 or Section 4.3 of these Procedures.
- AIPG is legally required to make such disclosures pursuant to a validly issued subpoena;
- The parties to a particular Disciplinary Proceeding agree to the disclosure.

Communications between the Ethics Committee Chairman, the investigator (if appointed), the person making the allegations, the respondent, other witnesses, etc. may be made and transmitted via email or other electronic means. The respondent’s current email address listed in the Institute’s membership files shall be used unless the respondent provides an alternative email address.

1.1 Allegations of Misconduct Against a Member
Allegations against any member of the Institute, whether by another member or by a member of the public, which are based on an alleged violation of any part of the Code of Ethics, on the conviction of a felony or other offense related to the practice of geology, or on discipline imposed by governmental, regulatory, or licensing agencies and/or professional certifying, chartering, or similar professional organizations, shall be directed to the Ethics Committee Chairman directly or in care of the Executive Director. The Executive Director shall forward any such allegations received without review to the Ethics Committee Chairman within seven days of receipt.

1.2. Allegations of Misconduct Concerning Applicants
Allegations against or objections to admission of an applicant for membership based on an alleged violation of any part of the Code of Ethics, on the conviction of a felony or other offense related to the practice of geology, or on discipline imposed by governmental, agency regulatory, or licensing agencies and/or professional certifying, chartering, or similar professional organizations, however received, shall be added to the application file. The Section or National Screening Committees may refer the application to the Ethics Committee Chairman at any time during the screening process prior to submission of the application to the National Executive Committee for final action. If the Ethics Committee Chairman proceeds pursuant to Section 1.4 of these procedures, final action on the membership application by the Section or National Screening Committees shall be suspended until disposition of the matter pursuant to these procedures. If other independent and valid grounds exist for rejection of the applicant, the application may be denied without prejudice regarding the ethical issues involved.

1.3. Contents of Allegations of Misconduct
Allegations shall be made in writing; shall be based on the personal knowledge of and be signed by the person making the allegations, shall identify the member or applicant against whom the allegations are made (the respondent), and shall describe the conduct giving rise to the alleged violation(s). Allegations shall be accompanied by copies of any letters, reports, documents, or
statements upon which the allegations are based, and a list of persons (potential witnesses) who have personal knowledge of the matter, including a brief statement of what the knowledge of each such witness is alleged to be.

1.4. Review of Allegations of Misconduct
Allegations shall be reviewed initially by the Ethics Committee Chairman within 15 days of receipt of the allegations. Following this review, the Ethics Committee Chairman may take one or more of the following actions.

1.4.1. **Dismiss the allegations**, in whole or in part, for lack of evidence, insufficient grounds, or other good cause including the availability of adequate legal recourse, and so advise the person making the allegations and, in the case of an applicant for membership, the appropriate Institute or Section membership committee;

1.4.2. **Request additional information from the person making the allegations** to be provided to the Ethics Committee Chairman within a specified amount of time. The additional information requested may include additional documentation and/or a more specific statement as to the nature of the allegations.

1.4.3. **Appoint an investigator to conduct an investigation** to determine whether there are grounds to proceed in the matter and to prepare a report for the Ethics Committee Chairman. The Ethics Committee Chairman may conduct the investigation personally.

   a. The investigator shall not be a member of the National Executive Committee, The Ethics Committee Chairman shall avoid appointing an investigator having a conflict of interest with either the person making the allegations or the respondent. The Ethics Committee Chairman shall provide the respondent with the opportunity to object to the appointment of a particular investigator as part of and subject to the provisions of paragraph (b) of this section.

   b. In the event that an investigation is commenced, the Ethics Committee Chairman shall notify the respondent of the fact of the investigation via email, unless to give such notice would severely and irreparably impair the investigation. Notification pursuant to this section shall provide information about the respondent’s rights under these procedures, including a statement that initiation of the investigation does not constitute a finding by the Ethics Committee Chairman or the Institute that a violation of the Code of Ethics has occurred, a general description concerning the application and administration of these procedures, and the consequences of resignation of membership or withdrawal of an application by the respondent, should the respondent choose that method of terminating the procedures. Should the respondent wish to retain counsel for these proceedings, the expense of such retention shall be at the respondent’s sole expense.

   c. The investigator shall make appropriate inquiries of the person making the allegations, the respondent, any identified witnesses, and/or any other persons who the investigator believes may have relevant information about the matter. The investigator can request or otherwise obtain copies of any documents, maps, drawings, etc. needed to make a determination regarding questions arising during the investigation. The documents, maps, drawings, etc. can be in paper or electronic form as determined by the investigator. The investigation shall be conducted with due regard to confidentiality as set out in section 5.2 of these procedures and shall contain the statement required by section 1.5 of these procedures. The investigator and the Ethics Committee Chairman may confer during the course of the investigation as to its progress and direction.

   d. Counter charges: in the event that a respondent makes counter charges against a member who is making the allegation, such charges shall be made in the same manner as the original allegations. These counter charges shall be considered as part of the mix of information obtained during the investigation.
e. At the conclusion of the investigation, the investigator shall prepare a report that shall include the investigator’s findings and any further documentary evidence developed or uncovered by the investigation. The Ethics Committee Chairman, the investigator, and Institute counsel may work together to ensure that the investigator’s report is complete and contains an adequate basis for all conclusions reached, which basis can include the absence of information supporting an allegation.

1.5. Initiation of an Inquiry or Investigation Does Not Necessarily Mean a Violation Has Occurred
Initiation of an inquiry or investigation following receipt of allegations against a member or applicant does not mean that a determination has been made that a violation of the AIPG Code of Ethics has occurred. It means that further information is required in order to make a determination regarding the allegations. Such further information may lead to a dismissal the allegations or a determination that further proceedings are warranted. All correspondence and other communications relating to an inquiry or investigation should explicitly state that no determination regarding the validity of the alleged violation has been made.

1.6. Consequences of Failure to Respond to Investigator’s Questions
Failure to respond to an investigator’s questions or requests for information may result in one of more of the following consequences.

1.6.1. If the person making the allegations fails to provide additional required evidence or to provide witnesses willing to make signed statements, the case may be dismissed for lack of evidence.

1.6.2. If the respondent fails to provide his or her side of the alleged actions, including supporting documents and witnesses, a case may be brought on the basis of the information obtained from other sources. Further, an adverse inference against the respondent may be drawn from failure to comply with reasonable requests for information and documents.

1.6.3. Failure by a member who is a potential witness to provide information requested by the investigator may result in initiation of a separate disciplinary proceeding to determine if the member has violated Standard 2.1 and Rule 2.1.3 and Canon 5 and Standard 5.5.

1.6.4. If a person from whom information is requested responds to the request in a timely manner explaining why the requested information cannot be provided, this response will be considered in deciding what, if any, further actions are appropriate.

1.7. Action Following Review
1.7.1. Upon receipt and review of the further information or the more specific statement from the person making the allegations (or upon the expiration of the time for providing same), or upon receipt and review of the investigator’s report, or both, the Ethics Committee Chairman shall promptly either dismiss the allegations or proceed with further disciplinary action by bringing formal charges in accordance with these procedures.

1.7.2. If a determination is made to dismiss the allegations, the member or applicant against whom the allegations were made may make a written request to the Ethics Committee Chairman asking for release of a copy of the summary of the inquiry or investigation and a statement of the reasons why the allegations were dismissed. The Ethics Committee Chairman may grant the request after taking into consideration the character of the allegations, the degree to which the person making the allegations made them to others, and the best interests of the Institute in deciding whether to grant the request. If the Ethics Committee Chairman grants the request and releases the requested summary and if the summary is made part of a legal or disciplinary proceeding, the party wishing to use the summary and/or testimony shall be responsible for all legal, travel, and other reasonable
fees, including professional fees, and expenses incurred by the Ethics Committee Chairman, the investigator(s), and/or other Institute officials who may be called to provide evidence or to serve as witnesses in the legal or disciplinary proceeding.

Section 2. Formal Charges and their Adjudication

2.1 Preliminary Matters

2.1.1 Notice to Respondent

If formal charges are warranted, the Ethics Committee Chairman shall notify the Respondent of the formal charges filed by the Institute by email or letter to Respondent’s email or postal address on record with the Institute. This notice shall include:

a. A copy of the formal charges, including a statement of the precise conduct alleged to constitute the violation or violations, referencing the specific canons, standards, and rules violated, citing any relevant dates, and identifying any persons alleged to have been involved or to have knowledge of the matter.

b. Copies of all supporting documentation, including but not limited to any records or transcripts of statements of the Institute’s witnesses or others, the investigator’s report, if any, and the Institute’s witness list and description of their expected testimony.

c. A description of the disciplinary sanction sought and the consequences of accepting the proposed sanction.

d. A copy of these procedures.

e. A statement of the respondent’s right to submit within 30 days a written response to the formal charges either admitting or denying the allegations, setting forth grounds for such denial. Such response shall be accompanied by copies of any documentary evidence respondent wishes to have in the record. The respondent may request an extension for submission of the response for a period not to exceed 30 days for good cause shown, which the Ethics Committee Chairman may grant or deny in his or her discretion.

f. A statement of respondent’s right to request, as part of the response, a hearing before an independent adjudicator or, in the case of a respondent member, an adjudicatory board. This request for a hearing shall state whether respondent will be represented by legal counsel at the hearing, and shall include a proposed witness list with a brief summary of what the respondent expects their testimony to be.

g. A statement of respondent member’s right to resign or to accept disciplinary sanction by consent, or of a respondent applicant’s right to withdraw the membership application, as provided in these procedures in Section 6.

2.1.2 Appointment of Adjudicatory Board

Upon receipt of a respondent’s request for a hearing, the Ethics Committee Chairman shall appoint an adjudicatory board made up of no fewer than three disinterested persons, giving due consideration to the complexity of the case and the seriousness of the allegations. If requested by a respondent member, or in the case of a respondent applicant, the Ethics Committee Chairman shall appoint a single adjudicator. The Ethics Committee Chairman may independently request an Adjudicatory Board hearing when the issuance of findings of fact and conclusions about the alleged ethical violations are deemed to be in the Institute’s best interest including the public release of information of the respondent’s name and Disciplinary Proceeding results.

a. No member of the adjudicatory board shall be an Executive Committee member.

b. The adjudicator and members of the adjudicatory board shall be Past Presidents of the Institute or Certified Professional Geologists who are disinterested and who have applicable knowledge of the technical issues, if any, involved in determining whether the formal charges are true or not.
c. The Ethics Committee Chairman shall notify the respondent of the proposed adjudicator and members of the adjudicatory board in order to provide the respondent with the opportunity to make reasonable and timely objections to the proposed appointment(s) due to conflicts of interest.

d. An adjudicatory board shall select a chairman and a recording secretary.

2.1.3. Failure to Respond to Formal Charges

In the absence of a timely response to formal charges, the Ethics Committee Chairman shall impose the proposed disciplinary sanction that accompanied the notice of the formal charges (see section 2.1.1.c.). Failure to respond to the formal charges shall not prevent the Ethics Committee Chairman from requesting an Adjudicatory Hearing as provided for in Section 2.1.2.

2.2. Hearing

2.2.1. Notice of Hearing

If the Respondent requests a hearing, the Ethics Committee Chairman shall determine a proposed date, place, and time for the hearing in consultation with the respondent, any witnesses, the adjudicator or adjudicatory board, and, having established a reasonable date, place, and time, shall proceed as follows.

a. The Ethics Committee Chairman shall notify the respondent, the adjudicator or adjudicatory board, and witnesses of the proposed hearing.

b. Respondent shall give notice of any objections to the proposed date, time, or place within five days of receipt of the notice thereof. Upon the expiration of this time, the Ethics Committee Chairman shall promptly set the final date, time, and place, and shall notify the witnesses and respondent thereof.

c. If the Ethics Committee Chairman, the respondent, and the members of the Adjudicatory Board agree, the hearing may be held via commercially available video conferencing to eliminate the need for travel. If this option is agreed to, the Ethics Committee Chairman, the respondent, and the members of the Adjudicatory Board are to receive copies of all relevant documents and arguments in advance of the hearing.

d. Nothing herein shall limit the right of the Institute to have Institute counsel in attendance at a hearing, whether or not the respondent is represented by counsel.

2.2.2. Hearing procedures

The procedures for the adjudicatory board hearing are informal. Statements are not limited by the formal rules of evidence; however, the adjudicatory board may refuse to admit any material which is not relevant or material to the issues to be determined in the hearing. The hearing shall proceed as follows.

a. The hearing shall be convened by the adjudicator or chairman of the adjudicatory board. The recording secretary shall note for the record the date, time, place, persons in attendance, and representation by counsel, if any.

b. The adjudicator or chairman of the adjudicatory board shall read the allegations, identify the documents submitted in the case, and inquire whether the respondent understands the allegations.

c. The adjudicator or chairman of the adjudicatory board shall give a brief description of the procedures.

d. The adjudicator or chairman of the adjudicatory board shall call for any objections from any party to the proceeding and the recording secretary shall note same for the record. Parties may request sequestration of witness at the time, which shall be granted as a matter of right, upon request except when a witness must hear the testimony of a witness called by the other side in order to present rebuttal testimony. In such cases, the question of sequestration will be considered on a witness by witness basis.
e. The adjudicator or chairman of the adjudicatory board will call for brief opening statements from the Institute (normally represented by the Ethics Committee Chairman but a substitute may be designated), then from the respondent.
f. Following opening statements, the Institute may present testimony and other evidence. The Institute shall not be bound by formal rules of evidence, but shall be permitted to present any material which might be relevant or material. Objections and actions taken thereon by the adjudicator or chairman of the adjudicatory board shall be noted for the record. Each document submitted into evidence shall be marked for identification. The respondent shall have the right to cross examine any witnesses presented by Institute and shall be provided with copies of any documents presented in the hearing as evidence. The adjudicator or any member of the adjudicatory board may also question the witnesses.
g. Following the Institute’s case, the respondent may present testimony and other evidence. The respondent shall not be bound by formal rules of evidence, but shall be permitted to present any material which might be relevant or material. Objections and actions taken thereon by the adjudicator or chairman of the adjudicatory board shall be noted for the record. Each document submitted into evidence shall be marked for identification. The Institute shall have the right to cross examine any witnesses called by respondent and shall be provided with copies of any documents presented in the hearing as evidence. The adjudicator or any member of the adjudicatory board may also question the witnesses.
h. Following the close of the respondent’s case, the adjudicator or chairman of the adjudicatory board shall call for closing arguments, first from the Institute and then from the respondent.
i. Following closing arguments, the adjudicator or chairman of the adjudicatory board shall adjourn the hearing and excuse the parties and witnesses.

2.2.3. Failure to Appear
Should either party fail to appear without giving notice of and reasonable grounds for the failure to appear before the adjudicator or chairman of the adjudicatory board, the adjudicator or adjudicatory board shall conduct the hearing based on the documents previously submitted in the case and the testimony and exhibits presented at the hearing.

2.2.4. Decision of Adjudicatory Board
Within 15 days of the adjournment of the hearing, the adjudicator or adjudicatory board shall review the record in the case. The adjudicator or adjudicatory board shall then make a determination as to each allegation in the formal charges, by unanimous vote of the adjudicatory board if employed, within 15 days. The adjudicatory board, if employed, may meet and vote via conference call, at the option of its chairman. The adjudicator or chairman of the adjudicatory board may grant reasonable extension of the 15-day period for good cause. The adjudicator or adjudicatory board shall set forth all findings and conclusions in an adjudicatory report to the Ethics Committee Chairman.

2.3. Adjudicatory Report
2.3.1. Contents of Report
An adjudicatory report, whether prepared on the record or following a hearing, shall contain the following.
a. Findings of fact, based on the evidence received and testimony given at the hearing.
b. Conclusions of the adjudicator or adjudicatory board about the alleged ethical violations including a list of allegations dismissed and reasons for dismissal, a list of provisions of the Code of Ethics violated, if any, and a statement of the evidence relied upon in finding each violation;
c. The disciplinary sanction to be imposed on the respondent member as a result of each violation or as a result of the cumulative violations, which may consist of the sanctions provided for in Section 6 of these procedures.

d. A copy of the record before the adjudicator or adjudicatory board.

2.3.2. Review by Ethics Committee Chairman
Upon receiving the report of the adjudicator or adjudicatory board, the Ethics Committee Chairman shall, within 15 days, review the report to determine whether it satisfies the requirements of these procedures for its form and content, to ascertain whether the determinations are supported by sufficient evidence, and to determine whether any discipline to be imposed or rejection of an applicant is reasonable and consistent with action taken previously in cases of like seriousness. The Ethics Committee Chairman may obtain the assistance of Institute Counsel in review of the report. The Ethics Committee Chairman may then:

a. Return the adjudicatory report for revision. Should the resubmitted report still not satisfy the requirements of these procedures, the Ethics Committee Chairman may return it for a second redraft, at his option. If the resubmitted report fails to contain a showing of sufficient evidence to support the determinations, then the Ethics Committee Chairman shall dismiss any determinations not so supported and permit the rest of the determinations covered by the report, if any, to become the adjudicatory report.

b. Reduce the discipline imposed to a reasonable level or a level consistent with discipline imposed in previous cases of like seriousness, and permit the report to become the adjudicatory report with such reduced discipline, or in the case of a respondent applicant, dismiss a recommendation for rejection and, in the discretion of the Ethics Committee Chairman, require a private admonition as a condition of acceptance.

c. Permit the adjudicatory report to become final, without alteration.

2.3.3. Issuance of Adjudicatory Report
An adjudicatory report shall become final only after review and appropriate action by the Ethics Committee Chairman. It shall then be transmitted, without exhibits, by the Ethics Chairman to the respondent along with notice of his or her right to an appeal to the Executive Committee and the time allowed for making an appeal.

Section 3. Appeals

3.1. Initiation of an Appeal
3.1.1. Notice of Appeal
Either the respondent or the Ethics Committee Chairman, as the originator of the formal charges, may appeal the adjudicatory report to the entire Executive Committee of the Institute by providing notice of the appeal to the Institute’s Secretary within 15 days of the date of issuance of the adjudicatory report and notice of appeal rights to him or her. Any appeal must state the specific determinations in the adjudicatory report that are being appealed and the basis for each such appeal. The Ethics Committee Chairman shall notify the Institute’s Secretary and the respondent, if the Ethics Committee Chairman is initiating the appeal, of the appeal.

3.1.2. Automatic Review by Executive Committee
If the adjudicatory report concludes that a respondent’s membership is to be terminated, an automatic appeal to the Executive Committee is required, which the Ethics Committee Chairman shall initiate the appeal by providing notice to the Institute’s Secretary.

3.1.3. Notice to Executive Committee
The Institute’s Secretary shall promptly notify the Executive Committee members of the appeal and transmit to each of them a copy of the adjudicatory report, the notice of appeal, and the basis for the appeal, including the statements by the parties described in
section 3.2.1 and supporting documents. The Institute’s Secretary shall keep records of
the proceeding on appeal.

3.2. Statement of Position
3.2.1. Statements by the Parties
The Ethics Committee Chairman and respondent shall each have 15 days after the date of
notice of appeal or of notice of an automatic appeal to submit to the Executive
Committee through the Institute’s Secretary written statements of their positions, which
shall not raise any new issues and shall not introduce any new evidence except evidence
which could not reasonably have been obtained in time for original formal charges,
response, or reply or presented at the adjudicatory hearing.

3.2.2. Appearances by the Parties
Except in extraordinary cases, there shall be no appearances by the parties before the
Executive Committee in person or by counsel. A request by either party for such an
appearance must be made in writing to the Institute’s Secretary within the time allowed
for the submission of written statements and shall set forth in detail the extraordinary
circumstances which the party believes justifies an oral argument. Granting of such
appearances is within the sole discretion of the Executive Committee, and, if granted, the
Institute’s Secretary shall notify the parties of oral argument and determine the time,
place, and date of same. The Institute’s Secretary may place reasonable time limits on
oral argument.

3.3. Executive Committee Action
3.3.1. Review of Record
The appeal will be considered only on the record in the case and the parties’ statements
on appeal. Institute Counsel may be present in an advisory capacity for the deliberations
of the Executive Committee.

3.3.2. Decision of Executive Committee
Following review of the record and the written statements, the Executive Committee
shall:
   a. Adopt the adjudicatory report without alteration;
   b. Dismiss some or all allegations giving reasons for dismissal, permitting the rest
      of the adjudicatory report, if any, to become the final decision of the Executive
      Committee on appeal;
   c. Reduce the disciplinary sanction imposed in the adjudicatory report, or in the
      case of a respondent applicant, dismiss a recommendation for rejection of the application
      and, in the discretion of the Executive Committee, require a private admonition as a
      condition of acceptance of the application;
   d. Order a de novo hearing on some or all of the allegations before a new
      adjudicatory board, in which case the disciplinary sanction which may be imposed
      against a respondent member will not be limited in its severity by the disciplinary
      sanction proposed by the first adjudicatory report, nor the action taken with respect to a
      respondent applicant be limited by the first adjudicatory report; however, no new
      allegations may be raised at such a hearing.

Section 4. Implementation of Disciplinary Sanction

4.1. Final Report and Notifications
Reports are considered final for all purposes upon the expiration of the period for making
an appeal when no appeal is taken, and upon issuance of the decision of the Executive
Committee if an appeal is taken, unless the Executive Committee orders a de novo
hearing. The Ethics Committee Chairman shall notify the respondent, and the Executive Committee through the Institute’s Secretary (when no appeal has been taken), and shall direct the entry of the final report into the Ethics Committee records.

4.2. Administrative Steps
Upon becoming final, the Institute’s Secretary shall take such administrative steps as are necessary to implement the disciplinary sanction imposed against a respondent member, or to implement a decision with respect to a respondent applicant.

4.3. Notice to Governmental Authorities and Professional Organizations
If the respondent is found to have violated the Code of Ethics, or if the respondent’s membership and certification, if applicable, is terminated with prejudice due to resignation of AIPG membership, and the respondent is known to be professionally licensed, certified, or chartered, or otherwise subject to a professional ethics or conduct code, then the Institute, through either the Ethics Committee Chairman or the Institute’s Secretary, shall notify the appropriate organization(s) of the Institute’s findings or of the termination with prejudice of membership and certification, if applicable; (c.f. Ethics Code Standard 2.1 and Rule 2.1.3 and Canon 5 and Standard 5.5).

Section 5. General Provisions

5.1. Prima Facie Evidence of Misconduct
Except as otherwise provided in these disciplinary procedures, proof of the conviction of an offense or of disciplinary action taken by a governmental law enforcement, regulatory, or licensing agency and/or professional certifying, chartering, or similar professional organizations against a member or applicant is prima facie evidence of misconduct in any Institute disciplinary proceeding. The burden for proving that the allegations leading to conviction or disciplinary action are false in such cases is shifted to the respondent.

5.2. Confidentiality
5.2.1. General
Except as otherwise provided in these procedures, the existence of allegations against any member or applicant and the basis and content thereof are considered confidential. Information concerning the rejection of an applicant on disciplinary grounds shall not be publicly disclosed. The records of the Ethics Committee and the Executive Committee concerning disciplinary proceedings shall be treated as confidential, and shall not be released except as provided by sections 1.7.2, 4.3, or 5.2.2 of these procedures.

5.2.2. Exceptions
Disclosure of disciplinary records is permitted in any of the following circumstances.
a. Where disclosure is required by law.
b. Where disclosure is necessary to pursue the investigation or proceedings hereunder, in which case the person to whom disclosure is made shall be bound by these provisions.
c. Where disclosure is necessary to avoid a clear danger to public safety or health or to prevent the imminent commission of a crime.
d. When discipline, other than a private admonition, is imposed against a member, the Institute may disclose or publish a summary of information concerning such discipline and the reasons therefore.
e. The Ethics Committee Chairman shall prepare an annual, generic summary of all disciplinary actions taken during a year to be published on the Institute’s web site.
f. Where otherwise required or permitted by these Procedures or the Institute’s Bylaws.
5.2.3. Breach of Confidentiality
Breach of confidentiality, including by parties to a disciplinary action, may subject those responsible to disciplinary action as the result of allegations made by the aggrieved person or the Institute.

5.2.4. Dismissal of Allegations or Formal Charges for Breach
In the event of a breach of confidentiality of such seriousness that it might prejudice the respondent’s right to a fair adjudication despite any reasonable remedial action, the allegations or formal charges shall be dismissed by the Ethics Committee Chairman if the case is not yet in adjudication, by the adjudicator or the chairman of the adjudicatory board if the case is in adjudication, or by the Executive Committee if the case is on appeal.

5.2.5. Ex Parte Communications
The adjudicator or members of an adjudicatory board and the members of the Executive Committee shall not discuss any substantive matters concerning the allegations with either party to the proceedings or with any person listed as a potential witness by either party. Any member of an adjudicatory board or of the Executive Committee who has participated in such a discussion shall disqualify himself or herself from the proceeding in question and any other related proceedings.

5.3. Dismissals With and Without Prejudice
Unless otherwise stated in the dismissal action, dismissals of allegations or formal charges are with prejudice and such allegations may not then be raised in any subsequent formal charges. Allegations may be dismissed without prejudice for technical filing defects, in the presence of ongoing criminal, civil, or administrative proceedings, or for other good cause.

5.4. Administrative Decisions, Objections, and Appeals
The Ethics Committee Chairman, adjudicator, or adjudicatory board, or the Executive Committee, as appropriate, shall have the authority to make decisions during the course of disciplinary proceedings and appeals concerning the administration of a case and in response to the conduct of and objections made by the parties. Such decisions may be enforced by the imposition of appropriate sanctions on the parties. Objections and decisions shall be noted for the record, but unless otherwise determined by the Ethics Committee Chairman on the basis of a showing of good cause, shall not be subject to appeal until the adjudicatory report becomes final.

5.5. Conflicts of Interest
5.5.1. Guidelines for Conflicts of Interest
By assuming his or her duties as a director, officer, committee member, or employee of the Institute, each person acknowledges that the best interests of the Institute and its members must prevail over any individual interest. A conflict of interest is a direct or indirect interest that might reasonably be expected to affect, a person’s judgment or conduct as a director, officer, committee member, or employee of the Institute. An actual or potential conflict of interest would exist whenever a person has an interest in, or connection with, an individual subject to the Institute’s disciplinary procedures where that interest is of such nature that it might influence the independent judgment of the person. Specifically, the interest might be that of the person, that of another person such as a relative or friend of the person, or that of an organization in which the person or such other person has an interest. Similarly, the interest might be financial or otherwise.

It is not possible to enumerate all situations that constitute a conflict. The facts of each situation will determine whether the interest in question is such as to bring it within
an area of actual or potential conflict. Such facts would include the nature of the relationship, the extent to which the person could influence the individual’s decisions, and whether the interest is of such a nature that it might affect the objectivity of the judgment of the person. In determining whether a conflict is involved, there is no substitute for sound judgment in each case based on the particular facts involved.

5.5.2. Ethics Committee Chairman
If the Ethics Committee Chairman has a conflict of interest regarding a Disciplinary Proceeding, that conflict shall be disclosed to the Institute’s President, or if the President also is in a conflict position, to the Institute’s Vice President, or the Institute’s President-Elect, in that order. The President, or alternate if required, shall determine whether the conflict of interest would prevent the Ethics Committee Chairman from effectively serving as chairman in other capacities, including administering other disciplinary proceedings. The best interests of the Institute shall be the governing principle in determining whether the Chairman should be replaced. The Institute’s President, or an alternate if required, shall appoint an Acting Ethics Committee Chairman for Purposes of the Proceeding, who will have the responsibilities and duties of the Ethics Committee Chairman described in these disciplinary procedures for the particular proceeding, or if warranted, an Acting Ethics Committee Chairman for all purposes. If the conflict of interest arises because the Ethics Committee Chairman is a potential complainant or a witness in a particular disciplinary proceeding, the Ethics Committee Chairman may be a complainant or witness. Such a conflict would not normally prevent the Ethics Committee Chairman from otherwise chairing the Ethics Committee.

5.5.3. National Executive Committee Members and other Institute officers or officials
If a member of the National Executive Committee or any other Institute officer or official has a conflict of interest regarding a disciplinary proceeding, that conflict shall be disclosed to the Ethics Committee Chairman, or if the Ethics Committee Chairman has a conflict, to the Acting Ethics Committee Chairman. As with conflicts involving the Ethics Committee Chairman, a determination shall be made as to whether the conflict would prevent the individual from otherwise serving in his or her official capacity. Also like the Ethics Committee Chairman, members of the National Executive Committee or other Institute officers or officials may be a complainant or witness in the particular disciplinary proceeding.

Section 6. Disciplinary Sanctions

6.1. General
The following disciplinary sanctions are available. The sanctions may be imposed by resignation of membership and certification, if applicable, or by consent of the respondent, or following a finding by an adjudicator, an adjudicatory board, or the Executive Committee following an appeal as provided elsewhere in these procedures. The disciplinary sanctions are provided for by Sections 2.7 and 9.1.3 of the Institute’s Bylaws and are specifically described in Section 9.3.

6.2. Termination of Proceedings with Prejudice by Respondent Member or Applicant

6.2.1. Resignation by Respondent Member
At any time until the adjudicatory report or an appeal, if made, becomes final, a respondent member may resign, at which point all proceedings shall end. A resignation during the pendency of disciplinary proceedings shall have the same effect as termination of membership with prejudice.

6.2.2. Withdrawal of an Application for Membership
At any time until the adjudicatory report or an appeal, if made, becomes final, a respondent applicant may withdraw an application for membership, at which point all
proceedings shall end. A withdrawal during the pendency of disciplinary proceedings or the rejection of an applicant on disciplinary grounds shall have the same effect as termination of membership with prejudice.

6.2.3. **Discipline by Consent**

At any time until the adjudicatory report becomes final, the respondent (whether a member or an applicant) may offer to submit to specified discipline by consent on his own initiative, or may accept a disciplinary sanction offered by the Ethics Committee Chairman, the adjudicatory board, or the Executive Committee, as appropriate, in their discretion. Discipline by consent may include a requirement for remedial action, including training, as specified in the consent agreement. The adjudicator or the adjudicatory board, acting through its chairman, the Ethics Committee Chairman, or the Executive Committee, as appropriate, may accept such offer of discipline by consent, in which case the Institute’s Secretary shall implement the discipline.

6.2.4. **Effect of Termination “With Prejudice”**

Termination is intended to be permanent separation from the Institute. In extraordinary cases, a terminated member or adjunct may apply to the Executive Committee for the right to reapply for Institute membership no less than six years after the date of termination. Termination of membership shall be imposed for substantial violations of the Code of Ethics involving substantial harm to the public or the profession including, but not limited to, conviction of felonies or other any other offense related to the practice of geology or to reflect on the Member's or Adjunct's professional ethics, integrity, and competence.

6.3. **Disciplinary Sanctions**

6.3.1. **Letter of Private Admonition**

A letter of private admonition shall be issued in cases where serious deception, fraud, misrepresentation, or professional misconduct is not alleged in the formal charges. A letter of private admonition may be accompanied by requirements for additional actions including resignation of national or section office, requirements for additional training, or other remedial actions. Failure to comply with these additional requirements may result in an additional sanction such as reduction in membership grade or suspension if the additional requirements are not completed in the manner and the time specified.

A letter of private admonition is appropriate for cases in which a member was found to have failed to possess a required license but for which no charges were substantiated showing that serious deception, fraud, misrepresentation, or professional misconduct was involved.

6.3.3. **Reduction of membership grade**

A respondent member other than an adjunct member may have his or her membership grade reduced for a specified period and/or until specified remedial action, including additional training, is taken. An adjunct member (student or associate member) cannot be reduced in grade and, therefore, will be subject to another sanction. Reduction in membership grade will be imposed in cases involving violations of the Code of Ethics that did not involve substantial harm to the public or to the profession. This sanction may be imposed in cases involving a ruling of insanity or mental incompetence by a legally constituted authority or involving repeated or flagrant violations of the provisions of any professional licensing board or other professional organization.

6.3.4. **Suspension of Institute Membership “With Prejudice”**

See Section 6.2.4.

6.3.5. **Termination**

Termination of membership shall be imposed for substantial violations of the Code of Ethics involving substantial harm to the public or the profession including, but not
limited to, conviction of felonies or other any other offense related to the practice of geology or to bear on the Member’s or Adjunct’s professional ethics, integrity, and competence.