

Manual for Grievance Coordinators

Approved by the Board of Directors January, 2015

Original Procedures: October 1989

Revised and Updated: April 2004

Revised and Updated: January 6, 2015

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I. Introduction.

The purpose of this manual is to inform you of your duties as the Grievance Coordinator of the Register of Professional Archaeologists (the **Register**) and to set out the procedures previously developed for the conduct of this office. In addition, this manual contains some informal advice, based on the hard-earned experience of previous Grievance Coordinators.

This manual is not an official document of the Register and is not intended to, and does not, create any duties or obligations on the part of the Grievance Coordinator, Grievance Committee or any Register official. Neither is this manual intended to, nor does it, create any rights on the part of the accused RPA. All such duties, obligations and rights are created solely by the Register's Bylaws and Disciplinary Procedures (Appendices A and G).

Because one of the major goals of the Register is to set forth and to enforce The Code of Conduct (the **Code**) and the Standards of Research Performance (the **Standards**), the job of Grievance Coordinator is very important. The Grievance Coordinator needs to exercise mature judgment in order to fulfill the two major responsibilities of the office: (1) maintenance of the Code and Standards, and (2) protection of the rights of those Registered Professional Archaeologists (**RPAs**) accused of violating the Code or the Standards. In exercising these responsibilities, the Grievance Coordinator has been given a great deal of latitude to exercise personal judgment and discretion; however, it is important to realize that the advice of the Register attorneys (see Section XIV. Involvement of the Register's Attorney) and the experience of previous Grievance Coordinators are always available¹. Every Grievance Coordinator will be faced with very difficult decisions. These decisions must be made on the basis of all available evidence, with the advice of knowledgeable colleagues, and in the best interest of the profession.

¹ See Appendix H for a listing of previous Grievance Coordinators that have offered to provide advice.

The specific duties of the Grievance Coordinator, simply put, are: to watch for possible RPA misconduct, to review reported allegations of RPA misconduct, to decide if those allegations may be founded in fact, to appoint Grievance Committees, to direct the work of the Grievance Coordinator-Elect, to direct the investigation of Grievance Committees into alleged violations of the Code or Standards, and to implement the recommendations of the Grievance Committees. In some cases this may mean filing a Complaint with the Standards Board, and presenting the case before that Board.

The Grievance Coordinator's role will change throughout this process, from receiving the initial allegations to taking cases to the Standards Board. At the beginning, the Grievance Coordinator may function as an arbitrator, later as an investigator, and finally as the official spokesperson for the Grievance Committee in presenting a case to the Standards Board.

Previous Grievance Coordinators have found that many of the allegations received describe conduct that results from bad judgment, ignorance, or both, but which constitutes no violation, or at worst, a trivial violation, of the Code or Standards. For example, an RPA may have accidentally omitted an acknowledgment from a report. These matters can often be settled by discussion with the involved parties, leading to some type of voluntary remedial action. It is very important that the Grievance Coordinator have the authority to make such arrangements. If not, then the grievance procedures could be misused for petty complaints, and the grievance process would be clogged by nuisance cases. However, it is not the Grievance Coordinator's role to negotiate or settle cases where there is evidence of a material violation of the Code or Standards. In such cases the Grievance Coordinator should appoint a Grievance Committee. A small number of allegations involve criminal behavior or civil disputes over which the Register has no jurisdiction, even though they may pertain to archaeological matters. These cases should

be referred by the complainant to the appropriate legal authority. However, criminal behavior or civil disputes may also involve possible violations of the Code or Standards, in which event the Grievance Coordinator may commence a case that may take place concurrently with civil or criminal judicial or administrative proceedings. In still other cases, there are professionally-related allegations that do seem to involve material violations of the Code and/or Standards. A significant challenge for the Grievance Coordinator is to correctly determine which cases justify the appointment of a Grievance Committee, then to guide the Committee's investigation to an appropriate conclusion.

In order to meet this challenge, the Grievance Coordinator must maintain the highest integrity and must scrupulously follow the Disciplinary Procedures (Appendix A). These Procedures require the Grievance Coordinator to act within prescribed time limits and to maintain appropriate records. The investigation of alleged professional wrongdoing is a very serious undertaking; for this reason the Grievance Coordinator and members of the Grievance Committees are protected by liability insurance carried by the Register. The best defense against liability is to rigorously follow the Disciplinary Procedures and to keep good records. Good record keeping, such as telephone logs, notes of telephone conversations, receipt stamps, and certified correspondence, helps to document actions and to protect the integrity of the office.

II. The Grievance Coordinator-Elect.

The position of Grievance Coordinator-Elect was instituted by the Register to provide continuity in the affairs of the Grievance Coordinator's office and to provide assistance to the Grievance Coordinator in discharging his/her duties. The Grievance Coordinator-Elect works entirely at the pleasure and under the direction of the Grievance Coordinator. The Grievance Coordinator-Elect may undertake any of the tasks or responsibilities assigned to the Grievance Coordinator in the Bylaws (Appendix G, Art. 5 and 6) or the Disciplinary Procedures, except that

the Grievance Coordinator-Elect may not chair a Grievance Committee unless the Grievance Coordinator has sought recusal from the case, and the case is then assigned by the Board of Directors to the Grievance Coordinator-Elect. Except for cases specifically assigned by the Board of Directors to the Grievance Coordinator-Elect, the Grievance Coordinator has full responsibility for all cases during his/her term. If both the Grievance Coordinator and the Grievance Coordinator-Elect seek recusal from a case, the Grievance Coordinator should ask the Board to appoint an interim Grievance Coordinator for that particular case. (Appendix G, Sec. 6.1, Appendix A, Sec. 1.4).

III. Initial Allegation.

The Grievance Coordinator should make inquiries into possible alleged violations of the Code or Standards that come to his/her attention from any source whatsoever (Appendix A, Sec. 1.1). Most allegations first come in the form of inquiries or complaints. Some are couched in hypothetical terms and most come very reluctantly. If the allegations seem to involve violations of the Code or Standards and if they seem to involve situations that can be investigated, then they should be the subject of further inquiry by the Grievance Coordinator. The Grievance Coordinator should not hesitate to inquire into possible violations of the Code or Standards that come to his or her attention from the public press or the electronic media, even in the absence of a formal allegation. The Grievance Coordinator may inquire into allegations made against an RPA by anyone, RPA or not. On the basis of information obtained during inquiries and investigations, new allegations of misconduct may be made by the Grievance Coordinator on his or her own initiative.

Appendix J is the Grievance Initiation Form to be completed by an outside complainant; the form can also be found on the RPA website. Completion of the form is not required, though, for the Grievance Coordinator to receive an allegation. The form is simply a means by which to

help insure that critical information comes to the Grievance Coordinator concerning the allegation. If initial allegations seem to involve possible violation of civil law, then the Grievance Coordinator should suggest that they be referred to the proper legal authorities. An example might be a contractual dispute involving archaeological work, which does not seem to involve any violation of the Code or Standards. For allegations that do not seem to involve violation of the Code or Standards, there may be other forms of redress, such as small claims courts, or grievance processes through other institutions. For example, student-faculty disputes that do not seem to involve violation of the Code or Standards might be referred to a college judiciary procedure mechanism by the aggrieved party.

If after receiving allegations the Grievance Coordinator decides that further action on his/her part is warranted, the first step is to check with the Register's Registrar or with the keeper of the Register's archives to determine the membership history of the accused RPA. For the grievance procedures to have Register standing, the alleged violation of the Code or Standards must have taken place after the accused archaeologist signed the application to the Register (or to SOPA, the predecessor of the Register), and while he/she was an RPA or a member of SOPA. An RPA cannot avoid accountability for violations of the Code or Standards by resigning from the Register and such resignation does not prevent the Grievance Coordinator from prosecuting the case to conclusion.

IV. Preliminary Inquiry.

Once evidence of possible actionable RPA misconduct comes to the attention of the Grievance Coordinator, he/she initiates a preliminary inquiry to review critically all charges (Appendix A, Sec. 1.1). The Grievance Coordinator should initiate the Grievance Complaint Summary Form found in Appendix J, with information about the allegation completed on the form. The purpose of this preliminary inquiry is not to determine whether the allegations are

true or false, but rather to determine whether there is evidence, or the likelihood of evidence, of violation of the Code or Standards by an RPA. In making initial inquiries, the Grievance Coordinator should consider the need for confidentiality to shield the informant from improper pressures and thereby encourage others to inform the Grievance Coordinator of misconduct by RPAs. Confidentiality also protects RPAs from unfounded rumors of alleged misconduct. In most cases the initial inquiry will be an e-mail or other communication by the Grievance Coordinator to the accused RPA. If further inquiry is required, the Grievance Coordinator should contact only those individuals most knowledgeable of the allegations, and should request that those individuals hold the inquiry in confidence. See Appendix A-1 for a discussion of Confidentiality/Publicity Issues in Disciplinary Matters of the Register of Professional Archaeologists.

At the very beginning of the inquiry, the Grievance Coordinator must ascertain whether he/she has a possible conflict of interest in the case. If this is even remotely possible, the Grievance Coordinator should notify the President of the Register so that the Board of Directors can appoint the Grievance Coordinator-Elect to handle this case (see Appendix A, Sec. 1.4 and Appendix G, Sec. 6.1).

If no such conflict exists, the Grievance Coordinator must determine on the basis of the preliminary inquiry (1) whether sufficient evidence exists to appoint a Grievance Committee, or, if not, (2) to close the inquiry for lack of evidence of violation, or lack of means to substantiate the allegations. In the latter case, the Grievance Coordinator should so notify the source of the allegation and, if the accused RPA knows of the allegation, the Grievance Coordinator should also so notify him/her.

The Grievance Coordinator should keep the President (and other board members as determined by the President) informed about serious allegations made about RPA registrant violations of the Code or Standards. These updates are to be supplementary to the Grievance Coordinator's annual report to the Board and should be done during the year when major cases develop, as determined by the Grievance Coordinator, . The updates are to be general in nature and should not provide names of the individuals involved, unless the Grievance Coordinator determines that disclosure of the names of such individuals is in the best interest of the Register.

V. Grievance Committee Investigation.

If the preliminary inquiry seems to indicate possible violation of the Code or Standards, the Grievance Coordinator must appoint a Grievance Committee. Normally the Grievance Committee should be appointed within 30 days of finishing the preliminary inquiry, but in no case may the Grievance Committee be appointed more than 90 days after the receipt by the Grievance Coordinator of the original allegations (Appendix A, Sec. 1.1). It is the responsibility of the Grievance Committee to investigate the allegations received at the outset of or during the preliminary inquiry. The Grievance Committee is composed of the Grievance Coordinator, who serves as the Chair of the Committee, and two additional RPAs appointed by the Grievance Coordinator. The Grievance Coordinator-Elect may help investigate allegations but unless appointed by the Board of Directors to act in place of the Grievance Coordinator, may not serve as Chair of a Grievance Committee. Selection of the Committee is an important process for two reasons. First, the Committee acts officially for the Register; and second, it is possible that the competency or the objectivity of the Committee will be challenged by the accused RPA. The Grievance Coordinator should therefore select persons of the highest integrity who are knowledgeable about the technical areas involved as well as about the regional context of the

case. Each Committee member so appointed must confirm his/her acceptance of Committee membership in writing.

It is, as well, important that members of the Committee have no conflict of interest in the matter. It should be clearly noted that conflict of interest is different from common interest. For example, the fact that a Committee member is also a contract archaeologist in the same state as the accused, and that both conduct historical archaeology, is not a conflict of interest. However, if they work for the same company, or have had a history of adversarial relationships, a conflict of interest would exist.

Promptly after the appointment of the Grievance Committee, the Grievance Coordinator must notify the accused archaeologist in writing of the impending investigation (Appendix A, Sec. 2.2). The letter should (a) provide the accused with a copy of the Disciplinary Procedures of the Register, and (b) include a statement of the nature of the allegations of fact and specific Code violations to the extent then known (Sample letter, Appendix B). This letter may be met by anger, counter accusations, and the threat of a lawsuit for defamation of character, etc. The accused RPA may retain an attorney who may respond in a threatening fashion. The Grievance Coordinator must not be intimidated, but should communicate with the Register's attorney (see Section XIV. Involvement of the Register's Attorney). The investigation of professional misconduct by members of professional organizations where the membership gives informed consent (as in the case of the Register) is a well-accepted legal practice. In fact, it is usually sanctioned by the courts as a necessary, or at least advisable, first step in the case of ethical misconduct. Any substantial contact with the attorney for the accused RPA should occur only through or in close communication with the Register's attorney. In most cases, the Grievance

Coordinator should also advise the source of the original allegation that a Grievance Committee has been appointed to investigate the allegations.

Once a Grievance Committee has been appointed, the Grievance Coordinator should send each member of the Committee a letter that contains: (1) a description of the allegations and the factual circumstances as known from the preliminary inquiry; (2) a plan of action that directs each member of the Committee about whom to contact as an initial step and what kind of documentation needs to be collected as well as other plans for conducting the investigation; and (3) a reporting schedule.

The duties of the Grievance Committee members are equally balanced between protecting the rights of the accused RPA and upholding the ethical standards embodied in the Code and Standards. The Committee should use good judgment in deciding whether and when to disclose to the accused RPA the source of the original allegations. In the course of a thorough investigation such disclosure may be necessary or unavoidable. The accused RPA should be assured that the investigation will be conducted in a fair and unbiased manner, and that he/she will be given the opportunity to be fully heard. It is helpful to the investigation that the accused cooperate if he/she is willing to do so. The Grievance Coordinator may point out to a reluctant RPA that his/her best defense may be a full investigation of the facts. However, if the accused RPA chooses to remain silent, the Grievance Committee must investigate the case from other sources. The Grievance Coordinator must maintain frequent contact with members of the Grievance Committee as the investigation proceeds. For further information, see Appendix A-1, Confidentiality/Publicity Issues in Disciplinary Matters of the Register of Professional Archaeologists.

It is possible that one or more Grievance Committees will be working simultaneously, each on a separate case.

The Register will reimburse case-related expenses, such as transportation, lodging, food, long distance charges and postage or courier fees, among others, incurred by the Grievance Coordinator and Grievance Committee members in the course of their official duties. The Grievance Coordinator should submit properly documented reimbursement requests to the Secretary-Treasurer of the Register, and should keep the President informed of expenses incurred and, where feasible, an estimate of anticipated expenses in any case in which the Grievance Coordinator appoints a Grievance Committee. The Grievance Coordinator should notify the President in advance of their intent to incur attorney's fees.

VI. Grievance Committee Report.

The Grievance Committee should complete its work speedily because the investigation process may be potentially damaging to the reputation of the accused RPA. This need for speed should, however, be balanced against the equally compelling need for a complete investigation. Normally the Grievance Committee Report should be issued within 90 days from the date of formation of the Committee.

In conducting its work, the Grievance Committee must collect evidence and reach a conclusion. The Disciplinary Procedures (Appendix A, Sec. 3.2) require the Grievance Committee Report to contain (i) a statement of the relevant facts; (ii) a summary of the procedures followed in making the investigation (this may include names, addresses, and phone numbers of people interviewed, and the information and any relevant documents they provided; site visits; etc.); (iii) the findings of the Grievance Committee, which specifies the provisions of the Code and/or Standards that have been investigated and conclusion as to whether or not these provisions have been violated; and (iv) a conclusion regarding sanctions, if any, to be imposed

(Appendix A, Sec. 3.3). The Grievance Committee Report must be signed and dated by the Grievance Coordinator and each member of the Grievance Committee. It is possible that a member of the Grievance Committee may not agree on some or all of its findings. In such cases, majority rule prevails (Appendix A, Sec. 2.4); all members sign the report, but it is permissible for a dissenting member to file a minority opinion. The final Report is to be filed with the Grievance Coordinator. The Grievance Coordinator should also complete the form Grievance Complaint Summary Form, started at the initiation of the allegation.

As specified in the Disciplinary Procedures (Appendix A, Sec. 3.3), the Grievance Committee Report may conclude that (i) the allegations be dismissed, (ii) the RPA be given the right to accept admonishment or the right to accept censure, or (iii) the Grievance Coordinator prepare and file a formal complaint with the Standards Board. The formal complaint will seek a sanction of suspension or termination of registration, or in a case where the Respondent has declined to accept admonishment or censure, the complaint will seek an appropriate sanction. The decision by the Grievance Committee to seek admonishment or censure or to seek suspension, or termination of registration should be based upon consideration of the circumstances of the violation of the Code and/or Standards. Among these circumstances are the severity of the violation, violation on the part of the RPA, the number of provisions of the Code and/or Standards that seem to have been violated, and the length of time over which such violations may have occurred. A single violation of a minor nature, given a context of otherwise good professional conduct, might warrant admonishment whereas a single but more serious violation or several multiple minor violations might warrant censure. If the Grievance Committee decides to ask the Standards Board to suspend or terminate the registration of the

RPA, it should be in cases where the Committee believes multiple serious violations of the Code and/or Standards have occurred.

The Grievance Coordinator must send a copy of the Report to the accused RPA. If the Committee Report concludes that the RPA is to be admonished or censured, the Grievance Coordinator must also send the RPA an offer to accept admonishment (Appendix C) or censure (Appendix D). The copy of the Report and the offer must be sent to the accused RPA within 20 days after the Report is filed with the Grievance Coordinator and the accused RPA must respond to the offer, if any, within 30 days of receipt of the offer (Appendix A, Sec. 3.4 (b)(i)). If the accused RPA accepts admonishment or censure, the Grievance Coordinator must officially reply in acknowledgment (Appendix F). If admonishment or censure is not accepted, or if the Grievance Committee Report has concluded that a complaint be filed with the Standards Board, the Grievance Coordinator must prepare a formal Complaint (Appendix A, Secs. 3.4 and 3.6). The Grievance Coordinator should also advise the source of the original allegations of the procedural action taken, (e.g., the case was dismissed; or an appropriate sanction was imposed; or a complaint was filed with the Standards Board).

VII. Formal Complaint.

The Complaint (Appendix A, Sec. 3.6) is prepared by the Grievance Coordinator on behalf of the Grievance Committee. The Complaint is the set of formal charges on which a Hearing is based. The Complaint (see sample, Appendix E) contains the allegations of fact and the statements of the specific provision of the Code and/or Standards that the Grievance Committee has determined were violated, as summarized in the Grievance Committee Report (Appendix A, Sec. 3.6). Not later than 60 days after the Report was filed with the Grievance Coordinator, the Grievance Coordinator must send the Complaint, along with a copy of the

Report, to the Chair of the Standards Board and to the accused RPA (the **Respondent**)

(Appendix A, Sec. 3.4(b)(v)).

VIII. Preparing for Standards Board Hearing.

After receiving the Complaint, the Chair of the Standards Board, in consultation with the Grievance Coordinator, schedules a Hearing date and place (Appendix A, Sec. 4.1). The Grievance Coordinator acts in cooperation with the Standards Board and the Register attorneys to present to the Standards Board evidence from the Grievance Committee's investigation that demonstrates violation(s) of the Code or Standards. The accused RPA now becomes a respondent to charges made in the Complaint.

The Hearing before the Standards Board is a quasi-judicial proceeding. It is the responsibility of the Standards Board to establish procedure, record keeping, and other details. In some cases, the proceedings may be very informal. In others, particularly when the Respondent is represented by legal counsel, the atmosphere may become very legalistic. It is the responsibility of the Chair of the Standards Board, in conjunction with the Register attorneys, to work out the ground rules in such cases.

During the period before the Hearing there may be a discovery phase. The purpose of discovery (within limits to be established by the Standards Board) is for each side to be able to ascertain the foundation for the position of the other. Discovery may take the form of the exchange of documents, lists of any potential witnesses, written interrogatories by the parties, or depositions. Ordinarily the discovery will be conducted by the attorneys for the Register and the attorneys for the Respondent, within the guidelines established by Standards Board. The Grievance Coordinator (and Grievance Coordinator-Elect) must assist the Register attorneys in preparing and answering interrogatories, preparing for and taking or giving depositions, and helping resolve procedural questions.

Usually the Grievance Coordinator will submit documentary evidence to the Standards Board before the Hearing so that the Standards Board has time to review this material before the Hearing. A copy of all such documents must be sent to the Respondent or his/her attorney by courier (FedEx or UPS) or certified mail contemporaneously with submission to the Standards Board.

The Respondent or the Grievance Coordinator may file pre-Hearing motions (requests for rulings) with the Standards Board dealing with discovery issues, timing of the Hearing, or other procedural matters.

IX. Standards Board Hearing.

The Standards Board holds a Hearing to review the case against the Respondent, according to procedures established by the Standards Board (Appendix A, Sec. 4.2). The Standards Board is composed of a Chair and two elected members. Questions of conflict of interest and actual selection of the Hearing committee members from the pool of elected Standards Board members and alternates is covered in the Standards Board manual. The Standards Board (with the guidance of the Register attorneys) establishes the rules covering procedures for pre-Hearing discovery and the Hearing itself, to insure that the Hearing is conducted fully, fairly, and expeditiously.

The case against the Respondent may be presented at the Hearing in a variety of ways, within the procedures established by the Standards Board. One option is for the Grievance Coordinator (or other member of the Grievance Committee) to act as the principal spokesperson, and to present the case step by step. Usually this presentation would be supplemented by testimony of witnesses knowledgeable about the alleged misconduct.

It is important to recognize that the Standards Board acts as a quasi-judicial body to decide whether the Complaint is justified, not as an investigative body duplicating the work of

the Grievance Committee. (There would be no purpose for the Grievance Committee if this were the case.) Any witness testifying at the Hearing may be subject to cross-examination, redirect, and re-cross examinations. At the conclusion of the Hearing, the Standards Board may wish to ask for post-Hearing briefs, which the Grievance Coordinator is responsible to prepare with the assistance of the Register attorneys.

X. Standards Board Decision.

After the Hearing, if the Standards Board does not sustain the Complaint, the Grievance Coordinator has no further responsibility, as this Decision will be relayed to the Respondent by the Chair of the Standards Board. If, however, the Board sustains the Complaint, and imposes a sanction against the Respondent, it is the responsibility of the Grievance Coordinator to insure that sanction is properly and thoroughly carried out, e.g., that the admonishment or the notice of censure, suspension, or termination of registration is listed in the appropriate place(s), with proper dates and notations included.

XI. Records.

As provided in Article V of the Disciplinary Procedures, the Grievance Coordinator is responsible to assemble and temporarily maintain the permanent records (official correspondence, Reports of Grievance Committees and statements of admonishment or censure) of all disciplinary proceedings that do not reach the Standards Board. The Grievance Coordinator must collect all of these records generated during the term of his/her office, and upon expiration of his/her term of office must deliver such permanent records to the Register's permanent archives. The Chair of the Standards Board is responsible to assemble and temporarily maintain the permanent records (including those generated by the Grievance Coordinator) of all disciplinary matters that reach the Standards Board during the term of office

of the Chair. The Chair of the Standards Board must deliver such permanent records to the Register's permanent archives. All remaining records should be shredded and destroyed.

XII. Publicity.

Publicity often surrounds cases involving alleged misconduct. The Grievance Coordinator and Standards Board Chair may receive requests for interviews or news releases before, during, and after the Hearing. These requests should be dealt with forthrightly but in context. No information should be given to the public prior to the filing of the Grievance Committee Report. If an RPA accepts admonishment, then his/her file is closed and no public announcement should be made (Appendix A, Sec. 4.5 (i)). In such case, the person who made the initial allegation should be notified that the matter has been investigated and resolved, but no specifics should be given. This level of confidentiality is important in persuading Respondents to accept admonishment so that a Complaint does not have to be filed with the Standards Board. Censure by its nature cannot be kept confidential because it is published in the Directory.

If the case has been heard by the Standards Board and a Decision has been rendered by that Board, the results may be announced. Any such announcements should adhere strictly to the findings of the Standards Board.

Except in the cases of admonishment, announcements of Standards Board rulings may also be published in any Register publication, as directed by the Register Board (Appendix A, Sec 4.6). While there should be no attempt to circulate these rulings more widely, the Grievance Coordinator may respond to requests for information concerning the case. The operative rule of thumb is not to go out of your way to publicize the rulings, but to cooperate with the press or other institutions or agencies in an appropriate manner (Appendix A-1, p.3).

The Grievance Coordinator is required by the Disciplinary Procedures to make annual reports to the Register Board (Sec. 1.2). These reports should be made mindful of the need of

appropriate confidentiality. Typically past Grievance Coordinators have managed this by making reports extremely general. The Grievance Coordinator should not comment on specific cases in progress, to either Register Board members or other curious parties. The time for disclosure comes only when and if a case has gone to the Standards Board and the Board has reached a Decision after the Hearing.

The Grievance Coordinator should add to the Register website section “Lessons Learned from the Register Grievance Cases” new case studies as grievances are considered and provide new knowledge for RPAs about the grievance process. In addition, the Grievance Coordinator should append his/her annual reports to the Grievance Manual as part of an ongoing record for future Grievance Coordinators.

XIII. Outgoing Grievance Coordinator.

Upon recommendation of the incoming Grievance Coordinator, the Register Board may appoint the outgoing Grievance Coordinator to continue to serve as the Grievance Coordinator on any case in progress that is nearing conclusion (Appendix A, Sec 1.5). This temporary appointment limits the outgoing Grievance Coordinator's authority and period of continuing service to this case alone.

XIV. Involvement of the Register’s Attorney.

After consultation with the President of the Register, the Grievance Coordinator is authorized to seek the assistance of the RPA attorney at any point in the handling of a grievance complaint. Generally, though, the Grievance Coordinator will review the complaint and take actions based on the guidance of this manual and the *Disciplinary Procedures of the Register of Professional Archaeologists*. The Register’s attorney should be involved in all complaints that are filed by a Grievance Committee to the Standards Board and must be involved in preparing for and conducting a Hearing.

**DISCIPLINARY PROCEDURES
OF THE
REGISTER OF PROFESSIONAL ARCHAEOLOGISTS**

ARTICLE I

GRIEVANCE COORDINATOR

1.1. Referral of Complaints. Complaints and any other information of any kind from any source whatsoever concerning alleged violations by any Registered Professional Archaeologist (“RPA”) of the Code of Conduct or Standards of Research Performance (the “Code”), shall be referred to the Grievance Coordinator. Within 90 days after the receipt of any such matter (an “Allegation”), the Grievance Coordinator shall appoint a Grievance Committee to investigate and act upon the Allegation unless the Grievance Coordinator, in his or her sole discretion, determines that the Allegation is of such nature that no further action or investigation is required, in which event no further action or investigation will be taken in connection therewith.

1.2. Annual Report. The Grievance Coordinator shall submit to the Board of Directors, at least 30 days prior to the annual meeting of the Register, a statistical report of all Allegations received and all action taken since the last annual report.

1.3. Relationship to Grievance Coordinator-Elect. The Grievance Coordinator may appoint the Grievance Coordinator-Elect to act under his or her direction in any work of the office of Grievance Coordinator, including but not limited to, the investigation of Allegations before and after the appointment of a Grievance Committee, the preparation of Reports and Complaints and the conduct of Hearings.

1.4. Inability to Act of Grievance Coordinator. In the event of the inability to act for any reason of the Grievance Coordinator, the Board of Directors shall appoint the Grievance Coordinator-Elect to act in the place of the Grievance Coordinator. In the event of the inability to act for any reason of both the Grievance Coordinator and the Grievance Coordinator-Elect, the Board of Directors shall appoint a Director of the Register or a former Grievance Coordinator to act in the place of the Grievance Coordinator.

1.5 Outgoing Grievance Coordinator. Upon recommendation of the incoming Grievance Coordinator, the Board of Directors may appoint the outgoing Grievance Coordinator to continue to handle any one or more grievance matters pending at the time the outgoing Grievance Coordinator leaves office because of expiration of his or her term of office or otherwise, and in the event of such appointment the outgoing Grievance Coordinator shall continue to have all the powers and duties of the Grievance Coordinator with respect to the grievance matters specified by the Board of Directors in the appointment.

1.6. Special Grievance Coordinator. Where because of a language barrier or because the alleged violation(s) of the Code have occurred outside the United States, none of the persons specified in Section 1.4 above is willing and able to handle a particular grievance matter efficiently, the Board of Directors may appoint any RPA whom the Board of Directors deems qualified for such purpose to serve as Special Grievance Coordinator to handle that grievance matter. Unless otherwise specified by the Board of Directors, the Special Grievance Coordinator shall have all the powers and duties of the Grievance Coordinator with respect to that grievance matter.

1.7 Issues for Alleged Violations outside the United States. When the alleged violation(s) of the Code or Standards have occurred outside the United States, the Board of Directors will address the following issues:

- (a) What language will the disciplinary matter be conducted in?
- (b) Will the Register pay for written and oral translation services?
- (c) Where will the Standards Board hearing be held?
- (d) Will the Register pay for travel and lodging expenses of the accused RPA?

ARTICLE II

GRIEVANCE COMMITTEES

2.1. Appointment. Each Grievance Committee shall consist of the Grievance Coordinator and two RPAs appointed by the Grievance Coordinator. In making such appointments, the Grievance Coordinator shall appoint RPAs who, in his or her opinion, have the necessary expertise in the geographic area and nature of work to properly evaluate the Allegation.

2.2. Notice to RPA. Promptly upon the appointment of a Grievance Committee to investigate the Allegation against an RPA (hereinafter, the “Respondent”), the Grievance Coordinator shall notify the Respondent of the appointment of such Grievance Committee and of the nature and source of the Allegation.

2.3. Vacancies. In the event that a member of a Grievance Committee cannot act, the Grievance Coordinator shall appoint another RPA to serve.

2.4. Majority Rule. A Grievance Committee may act on the concurrence of a majority of its members.

ARTICLE III

INVESTIGATION PROCEDURE

3.1. Investigation. Each Grievance Committee shall conduct a thorough investigation of the Allegations referred to it to determine whether or not, in the opinion of the Grievance Committee, the conduct of the Respondent violates the Code. In addition, if a Grievance Committee, during its investigation, determines that the Respondent may have committed violations of the Code other than those alleged in the Allegations referred to it, the Grievance Committee may initiate such further investigation as it deems appropriate.

3.2. Grievance Committee Report. Upon completion of each investigation, the Grievance Committee shall prepare and file with the Grievance Coordinator a Grievance Committee Report (a "Report"), containing the following:

- (a) A statement of the relevant facts;
- (b) A summary of the procedures followed in making the investigation;
- (c) The findings of the Grievance Committee, which shall include, if applicable, a statement of the particular provision or provisions of the Code which the Grievance Committee deems to have been violated; and
- (d) A conclusion in accordance with Section 3.3 below.

3.3. Permitted Conclusions. Each Report shall contain one of the following conclusions:

- (a) That no disciplinary action be taken and that the file be closed; or
- (b) That the Respondent be given the right to accept admonishment or censure (as defined in Section 4.5 below) in the form and substance and for the period of time set forth in the Report; or
- (c) That a formal complaint be prepared and filed with the Standards Board.

3.4. Action Subsequent to the Filing of a Grievance Committee Report. Upon the filing of a Report, the Grievance Coordinator or Grievance Committee shall take the applicable action set forth below:

- (a) If the conclusion of the Report is that no disciplinary action be taken, the Grievance Coordinator shall so notify the Respondent and shall close the file and retain it in the permanent records of the Grievance Coordinator.

(b) (i) If the conclusion of the Report is that the Respondent be given the right to accept admonishment or censure in the form and substance and for the period of time set forth in the Report, the Grievance Coordinator shall, within 20 days of the filing of the Report, forward a copy thereof to the Respondent, whereupon the Respondent shall have a period of 30 days from the date of receipt to advise the Grievance Coordinator, in writing, as to whether or not the Respondent elects to accept the proposed admonishment or censure.

(ii) If the Respondent elects to accept the proposed admonishment or censure, the Grievance Coordinator shall complete the disciplinary action.

(iii) If the Respondent elects not to accept the proposed admonishment or censure, or if his or her written response is not received by the Grievance Coordinator within the 30-day period allowed for this purpose, the Grievance Coordinator shall so advise the Grievance Committee, and, within 60 days after receipt of such advice, the Grievance Coordinator shall prepare a formal complaint and file it with the Standards Board.

(iv) If the Report concludes that a formal complaint should be prepared and filed with the Standards Board, then within 60 days after the date of filing of the Report the Grievance Coordinator shall prepare a formal complaint and file it with the Standards Board.

(v) The formal complaint shall be deemed to be filed with the Standards Board when it is received by the Chair of the Standards Board. Contemporaneously with filing the formal complaint with the Standards Board, the Grievance Coordinator shall send a copy thereof, together with a copy of the Report, to the Respondent.

3.5. Publicity. After conclusion of a disciplinary proceeding in which a Grievance Committee was appointed (other than a proceeding resulting in admonishment) but in which no formal complaint was filed with the Standards Board, the Register or any Sponsoring Organization of the Register may give public notice of the facts and outcome of such proceeding.

3.6. Formal Complaint. Each formal complaint ("Complaint") filed with the Standards Board shall include the following:

(a) Allegations of Fact. The Respondent's specific acts or failures to act which are alleged to violate the code shall be set forth in such detail as to inform the Respondent of the facts relied upon as the basis for the Complaint.

(b) Relation to Code. Each provision of the Code which is alleged to have been violated by the Respondent shall be specified and related to the allegations of fact.

ARTICLE IV

STANDARDS BOARD PROCEDURES

4.1. Hearing Date. After the Complaint has been filed, the Chair of the Standards Board (the “Chair”) shall set the date, time and place for hearing the Complaint (the “Hearing”), such date to be not more than eight months after the date of filing of the Complaint. The Chair shall promptly give written notice to the Respondent and the Grievance Coordinator of such date, time and place, such notice to be given not less than 30 days prior to the Hearing date. For good cause, the Chair, on his or her own initiative or at the request of the Grievance Coordinator or of the Respondent, may accelerate or postpone the Hearing date from time to time; provided, however, that the Hearing date shall not be postponed to a date more than eight months after the date of filing of the Complaint unless the Respondent and the Grievance Coordinator agree to such postponement. The Register or any Sponsoring Organization of the Register may give public notice of the time and place of the Hearing and a description of the matters set forth in the Complaint.

4.2. Hearing Procedure. The Hearing shall be conducted in accordance with rules which the Standards Board may establish from time to time; provided, however, that the Hearing shall be conducted substantially as follows:

- (i) The Grievance Coordinator, personally or through his or her representative, shall present the case against the Respondent by means of witnesses, other evidence and oral argument.
- (ii) The Respondent shall be entitled to be represented by legal counsel and to present a defense by means of witnesses, other evidence and oral argument.
- (iii) The Chair shall appoint a secretary, who need not be a member of the Standards Board, to keep minutes of the Hearing. The Chair may record or engage a court reporter to record the proceedings. The involved RPA, at his or her own expense, may record or engage a court reporter to record the proceedings.
- (iv) The Chair shall have the power to compel any RPA to attend the Hearing, produce evidence and give testimony.
- (v) The Hearing shall be open to the public except to the extent that the Chair imposes reasonable limitations to assure an orderly Hearing.
- (vi) The Chair shall preside at the Hearing and shall have the power to require that the Hearing be conducted in an orderly fashion, to exclude irrelevant evidence, to limit the scope of examination of witnesses, and to rule on all procedural matters before, during and after the Hearing.

(vii) The decision of the Chair as to all procedural matters shall be final and not subject to appeal or review.

(viii) At any time during the Hearing, the members of the Standards Board may ask questions of the Respondent, the Grievance Coordinator and the witnesses.

(ix) The Grievance Coordinator and the Respondent may enter into an agreement setting forth relevant facts not in dispute.

(x) The Standards Board may but shall not be obligated to decide the matter without a Hearing if the Grievance Coordinator and the Respondent agree to waive the Hearing.

(xi) The matter may be settled by agreement between the Grievance Coordinator and the Respondent, provided that the terms of such settlement are approved by the Standards Board.

(xii) If, because of illness, conflict of interest or other reason the Chair is unable to perform the functions of Chair in a particular case, the Chair (or if the Chair is unable to make such appointment, the President of the Register) may appoint another member of the Standards Board to act as interim Chair with all of the powers and duties of the Chair in the particular case.

4.3. Procedure Following the Hearing. Upon completion of the Hearing, the Standards Board shall adjourn to executive session to discuss the issues. The decision of a majority of the members of the Standards Board shall be the decision of the Standards Board (the "Decision"). The Decision shall be rendered promptly, but in no event more than 30 days after the completion of the Hearing. The Chair shall send a copy of the Decision to (i) the Respondent, (ii) the Grievance Coordinator, and (iii) the President of the Register. The Decision shall be final and not subject to appeal or review.

4.4. Standards Board Decision. Each Decision of the Standards Board shall contain:

(a) A detailed finding of fact; and

(b) A specific determination as to which, if any, of the allegations of the Complaint have been proven; and if one or more such allegations has been proven, a statement of the disciplinary action to be imposed, and, if applicable, the period during which the disciplinary action is to be imposed. In making such determinations, the Standards Board may take into account prior disciplinary action, if any, against the Respondent.

4.5. Disciplinary Action. Any one or more of the following disciplinary actions may be imposed:

(i) Admonishment. A statement, entered into the permanent records of the Grievance Coordinator, calling the attention of the Respondent to a violation of the Code.

(ii) Censure. A formal statement, entered into the permanent records of the Grievance Coordinator, of criticism and disapproval for violation of the Code. The Respondent's name shall appear with a notation of the censure in each Directory of RPAs initially published during a period of not more than two years.

(iii) Suspension. A temporary suspension of registration by the Register for a period of not more than two years. The Respondent's name shall appear with a notation stating the dates of suspension in each Directory of RPAs initially published during the period of suspension.

(iv) Termination of Registration. A complete termination of registration by the Register. A Respondent whose registration has been terminated may not reapply for registration until three years after the date of the Decision.

4.6. Publicity. After conclusion of a disciplinary proceeding filed with the Standards Board, the Register or any Sponsoring Organization of the Register may give public notice of the facts and outcome of the proceeding.

ARTICLE V

PERMANENT RECORDS

5.1 Content. The permanent records of disciplinary proceedings of the Register shall consist of the following:

- (a) Correspondence from the Grievance Coordinator, Grievance Coordinator-Elect, Board of Directors or the President of the Register specifically required or specifically permitted by these Disciplinary Procedures, and correspondence from the Respondent pursuant to Section 3.4(b)(i) above;
- (b) The Reports of all Grievance Committees;
- (c) All statements of admonishment or censure of an RPA;
- (d) A copy of each Directory of RPAs which contains a statement of censure or suspension of an RPA; and
- (e) The records of every proceeding before the Standards Board, including, but not limited to, the Complaint and other pleadings, correspondence to and from the Standards Board, interim rulings by the Standards Board, writings or other materials admitted into evidence by the Standards Board, the stenographic or other record of the Hearing, and the Decision.

5.2 Assembly, Maintenance and Storage.

- (a) The Grievance Coordinator shall be responsible to assemble and temporarily maintain the permanent records of all disciplinary matters which are processed during his or her term of office but which do not reach the Standards Board.
- (b) The Chair of the Standards Board shall be responsible to assemble and temporarily maintain the permanent records of all disciplinary matters which reach the Standards Board during his or her term of office.
- (c) Upon expiration of the terms of their respective offices, the Grievance Coordinator and the Chair of the Standards Board shall deliver to the archives of the Register all permanent records which he or she is responsible to assemble and temporarily maintain.
- (d) The archivist of the Register, under the supervision of the Board of Directors of the Register, shall be responsible for long-term storage of the permanent records of disciplinary proceedings of the Register. The archivist shall permit persons who have been determined by the President or other officer of the Register to have a legitimate interest to inspect and copy the permanent records. Such persons might include (i) a Grievance Coordinator, Grievance Coordinator-Elect or member of the Standards Board, (ii) a Respondent or other person involved in a current disciplinary matter whose

outcome could be affected by the precedent established in the archived matter, (iii) historical researchers, and (iv) others.

CONFIDENTIALITY//PUBLICITY ISSUES
IN
DISCIPLINARY MATTERS
OF
THE REGISTER OF PROFESSIONAL ARCHAEOLOGISTS

I. Policy Considerations

There are many sometimes conflicting policies which bear on the resolution of confidentiality and publicity issues surrounding disciplinary matters conducted by the Register of Professional Archaeologists. Some but not necessarily all of those policies are set forth below.

1. The reputation and career of an RPA should not be unfairly damaged by reason of the grievance process.
2. All parties and witnesses should be accountable for the truth of their statements.
3. To the extent the Register can secure the presence of the appropriate persons, an accused RPA generally should have the opportunity to confront his/her accusers before a determination of guilt is rendered by the Standards Board.
4. Every RPA has a duty to report violations of the Code and Standards and to cooperate with the Grievance Coordinator and the Standards Board by giving evidence and testimony.
5. The Grievance Coordinator has the right and duty to conduct thorough and fair investigations, and the Standards Board has the right and duty to conduct fair and impartial hearings.
6. The Grievance Coordinator and Standards Board should have a broad range of discretion to decide issues of confidentiality in specific cases.
7. The amount of publicity given to the disciplinary actions imposed upon an RPA should be proportional to the circumstances of the case.
8. The Register has the right and duty (i) to prosecute and discipline RPAs who violate the Code or Standards, and (ii) to demonstrate to the archaeological community and to the public that the Register is fulfilling this duty.

9. Disciplinary actions taken by the Grievance Coordinator and the Standards Board should educate the archaeological community on the meaning of the Code and Standards and guide future Grievance Coordinators and Standards Boards in deciding cases.

The following discussion reflects the application of the foregoing policies to situations which frequently arise in cases handled by the Grievance Coordinator or the Standards Board or both.

II. Investigations

2.1 In the initial stage(s) of an inquiry into an allegation of misconduct by an RPA, the Grievance Coordinator will generally try to keep confidential the source and nature of the allegations. The purpose of this policy is to prevent false allegations against an RPA from damaging his/her reputation. This policy also is intended to encourage RPAs and others to inform the Grievance Coordinator of misconduct on the part of an RPA by shielding the informant from unnecessary and improper pressures. However, the Grievance Coordinator is free to disclose to the accused RPA or anyone else the source and nature of an allegation to the extent that the Grievance Coordinator determines that such disclosure is reasonably necessary to, or results from, the inquiry into or resolution of the matter. In most cases the initial inquiry will be a call by the Grievance Coordinator to the accused RPA. If the Grievance Coordinator determines that an allegation is made in good faith but is without merit on its face, generally the Grievance Coordinator would not disclose the identity of the source of the allegation to the accused RPA. If the Grievance Coordinator determines that the allegation involves minor disputes over interpretation of the Code or Standards, the Grievance Coordinator may attempt to mediate the dispute and in so doing will necessarily disclose the source of the allegation to the accused RPA. Mediation of disputes is not a primary function of the Grievance Coordinator, but if, with minimal effort, the Grievance Coordinator can clarify the meaning of the Code or Standards and thereby resolve a minor dispute, it is not inappropriate for the Grievance

Coordinator to do so. In questioning a witness, the Grievance Coordinator will almost always have to identify the accused RPA to the witness. However, the Grievance Coordinator should not disclose to the witness the specific allegations against the accused RPA except to the extent reasonably necessary to the inquiry.

2.2 Here again there is sometimes an opportunity for the Grievance Coordinator to mediate a resolution. Once such decisions are made, it is necessary to notify the person(s) who made the original allegations of misconduct that the case has been dismissed, has been resolved, or is being investigated further. This notification need not be more specific, and also ends any further obligation to inform the complainant.

2.3 If after a preliminary inquiry the Grievance Coordinator decides to close the file without appointing a Grievance Committee, or if a Grievance Committee decides to close a file without any adverse action against the accused RPA, the Grievance Coordinator should so advise the party who submitted the original allegation. If the accused RPA was aware that an allegation had been submitted to the Grievance Coordinator, the RPA has a legitimate interest in knowing the outcome of the investigation, and in such case the Grievance Coordinator should also advise the RPA that the file was closed.

2.4 If the Grievance Coordinator appoints a Grievance Committee, the Grievance Coordinator must inform the accused RPA in writing that a Grievance Committee has been appointed, the identity of the Grievance Committee members, and the general nature of the allegation. If the accused RPA inquires about an investigation, s/he should be informed of the procedural status (e.g. – an allegation was received by the Grievance Coordinator, the Grievance Coordinator did (not) appoint a Grievance Committee, the Grievance Committee is investigating, etc.) unless the Grievance Coordinator determines that such disclosure might impede the

investigation. When the Grievance Committee interviews the accused RPA in the course of the investigation, it will be necessary to disclose the nature of the allegations and in some cases the source of the allegation.

III. Standards Board Hearings

3.1 Here again there is sometimes an opportunity for the Grievance Coordinator to mediate a resolution. Once such decisions are made, it is necessary to notify the person(s) who made the original allegations of misconduct that the case has been dismissed, has been resolved, or is being investigated further. This notification need not be more specific, and also ends any further obligation to inform the complainant.

3.2 Unless the Standards Board otherwise determines, hearings before the Standards Board should be open to the public. Open hearings foster accountability on the part of each person who plays a role in the hearings. Open hearings also provide a live public demonstration that the Register enforces its Code and Standards. The Register should also provide controlled public information about pending cases of public interest and importance. Public relations of this nature requires a thoughtful approach. A small group of officers and/or directors (in most cases two or more of the Grievance Coordinator, Grievance Coordinator Elect, President and President Elect) should carefully consider the public relations issues and should then authorize from among the officers and directors one or two individuals to act as the exclusive source of public statements and to whom all inquiries from the public should be directed. Often the Grievance Coordinator should be one of those individuals. However, when the Grievance Coordinator is presenting a case before the Standards Board, it may be preferable to appoint individuals who are a step removed from the adversarial perspective which the Grievance Coordinator must assume to some degree. The public relations issues may be quite different from those which the

Grievance Coordinator faces in presenting a case, and the Grievance Coordinator's principal responsibility is to prepare and present the case.

IV. Case Reports and Records

The case reports and records of the Grievance Coordinator and the Standards Board constitute the historical record of the activities of the Register in prosecuting and disciplining RPAs. The right of the accused RPA (whether or not found guilty) to privacy or confidentiality must be weighed against the right and duty of the Register to demonstrate to the archaeological community and to the public that the Register prosecutes and disciplines RPAs who violate the Code or Standards. Reports of the actions taken by the Grievance Coordinator and the Standards Board can also serve as a guide to subsequent Grievance Coordinators and RPAs in interpreting specific provisions of the Code, Standards and Disciplinary Procedures. However, these reports can serve as a guide only if they are readily accessible to all RPAs. The Grievance Coordinator and, when applicable, the Standards Board, should prepare written reports and opinions in all cases which go beyond the preliminary investigation stage. These reports, which generally should not specifically identify the accused RPA, should be published and made readily available to the entire archaeological community. The actual case files should be placed in the Register's permanent archives and, with permission of the archivist, made available to persons with a legitimate interest. Such persons might include (i) an RPA or other person involved in a current disciplinary matter whose outcome could be affected by the precedent established in the archived case, (ii) historical researchers, or (iii) others.

APPENDIX B. SAMPLE LETTER NOTIFYING ACCUSED RPA OF APPOINTMENT OF GRIEVANCE COMMITTEE

Dear Ms. Smith:

This is official notification that questions have been raised about the adequacy of your survey of a construction project in Tasmania carried out in June 2003. Specifically, it has been alleged that you may have violated Section 1.2.b of the Register's Code of Conduct and Sections 1.2 and 1.3 of the Standards of Research Performance, among other provisions.

After preliminary investigation of these allegations, I have reached the conclusion that a formal investigation is necessary to determine whether or not the allegations are valid. Therefore, in accordance with the Register's Disciplinary Procedures (a copy of which is enclosed), I have appointed the following RPAs with expertise in your region to act with me as a Grievance Committee to investigate the allegations:

Dr. P. Processual Post
P.O. Box 1234
Antiquus, Montana
(404) 632-1966

and

Prof. Ima Grubber
North Zulch College
Zulch, Colorado
(303) 236-6691

The Grievance Committee's investigation will focus on, but will not necessarily be limited to, the foregoing allegations.

Please be assured that the Grievance Committee will endeavor to conduct its investigation in an objective manner as quickly and discreetly as possible. A Committee member will contact you to seek your response to the circumstances relating to the allegations.

If you have any questions about the Disciplinary Procedures or the requirements of the Code of Conduct or Standards of Research Performance don't hesitate to contact me at

Sincerely yours,

Jeremiah H. Spiderwistle
Grievance Coordinator

cc: Dr. Post
Prof. Grubber
/Register attorney/

**APPENDIX C. SAMPLE LETTER ACKNOWLEDGING ACCEPTANCE OF
ADMONISHMENT**

Dear Ms. Smith:

This will acknowledge receipt of your letter dated 4 March 2003, in which you accept admonishment, as specified in the Grievance Committee Report Regarding Alleged Violations of Standards of Research Performance by Penelope Q. Smith.

The file on the case is now closed and there will be no public announcement by the Register of the outcome of the investigation.

Sincerely yours,

Jeremiah H. Spiderwistle
Grievance Coordinator

cc: / Members of Grievance Committee and Register attorney/

APPENDIX D. SAMPLE LETTER OFFERING CENSURE

Dear Ms. Smith:

The Grievance Committee that investigated questions about your survey of a construction project in Tasmania has concluded that some of the fieldwork was substandard and constitutes violations of Section I.1.3 and 1.1.5 of the Register of Professional Archeologists' Standards of Research Performance.

Because you, as Principal Investigator, are responsible for those violations, the Committee has concluded that you be offered the opportunity to accept censure therefore. The Committee's reasons for their conclusions, and the findings of fact upon which they are based, are set forth in the Committee's Report, a copy of which is enclosed herewith.

In accordance with the Register's Disciplinary Procedures, a copy of which is enclosed, I hereby offer you the right to accept censure for violations of Sections 1.1.3 and 1.1.5, as specified in the Grievance Committee's Report. In deciding whether or not you wish to accept this censure, I refer you to the Disciplinary Procedures, Sections 3.4 (b)(i), (ii) and (iii), and Article IV, wherein the consequences of your accepting censure, or declining to accept censure, are explained. If you do accept censure, a formal statement of criticism and disapproval will be entered into the permanent records of the Grievance Coordinator and will be noted in the Register's Directory of Registered Professional Archaeologists.

You should understand that failure to notify me in writing whether or not you elect to accept censure, within 30 days after you receive this letter, will require that the Grievance Committee prepare a formal Complaint against you. This Complaint will be filed with the Standards Board, which will then schedule a Hearing. See Section 3.4(b) and Article IV of the Disciplinary Procedures.

I regret having to send you this letter, but hope you will respond promptly.

Sincerely,

Jeremiah H. Spiderwistle
Grievance Coordinator

cc: / members of Grievance Committee and Register's attorney/

APPENDIX E. SAMPLE LETTER ACKNOWLEDGING ACCEPTANCE OF CENSURE

Dear Ms. Smith:

This will acknowledge receipt of your letter dated 4 March 2003, in which you accept censure, as specified in the Grievance Committee Report Regarding Alleged Violations of the Code and Standards by Penelope Q. Smith.

In accordance with Section 4.5(ii) of the Disciplinary Procedures, a formal statement of criticism and disapproval of your conduct will be entered into the permanent records of the Grievance Coordinator and will be noted in the Register's Directory of Registered Professional Archaeologists.

Sincerely yours,

Jeremiah H. Spiderwistle
Grievance Coordinator

cc: / members of Grievance Committee and Register's attorney/

APPENDIX F. SAMPLE COMPLAINT

Introduction

On 1 April 2003, allegations of professional misconduct on the part of Prof. Ivan A. Wimple, an RPA, were brought to the attention of the Grievance Coordinator, Jeremiah H. Spiderwistle. It was alleged that Prof. Wimple had carried out excavations at the Smythe Site in Carolina County, West Dakota which were inadequate for proper study of the site; that he then reported to his client, Scenic Highways, Inc., and to the County of Carolina that his work at the site constituted adequate mitigation by data recovery; and that there would be no significant loss of cultural information when the site was later destroyed by a construction project.

After preliminary inquiries indicated that there might be substance to the allegations, the Grievance Coordinator appointed two RPAs to serve with the Grievance Coordinator as a Grievance Committee to investigate the matter. They were I. Doug Plenty of Bugtussle, Texas and U. Delve Deep of Towanda, Illinois.

During 2003 the Committee investigated Prof. Wimple's professional conduct in connection with the work at the Smythe Site. The committee's investigation and findings are detailed in the appended Grievance Committee Report Regarding Alleged Violations of the Code and Standards by Ivan A. Wimple, which is incorporated herein.

Findings of the Grievance Committee

The committee found substantial evidence that Prof. Wimple's professional conduct had been in violation of the Register's Code and Standards. Specifically, the findings of the Committee are as follows:

Violation 1 (Code Section I.1.1 [b]). Prof. Wimple did not give adequate consideration to the possibility of preserving important midden deposits in place at the site.

Violation 2 (Standards I.1.3). Prof. Wimple employed field methods during the testing phase that were inadequate for testing the site.

Violation 3 (Standards I.1.3). Prof. Wimple adopted a research design for mitigation by data recovery that was inadequate for that purpose.

Violation 4 (Standards Section III.3.1). Prof. Wimple was unacceptably negligent for failing to notice and record a pit feature clearly exposed by a test unit that should have been conspicuous not only in the field, but also during distributional analysis of materials at the site and in writing the final report of the field work.

Violation 5 (Code Section I.1.2[c]). Prof. Wimple deliberately misrepresented his true evaluation of the Smythe Site's physical integrity to his client, Scenic Highways, Inc., and to the County of Carolina.

Conclusions

In consideration of these findings, the Grievance Committee has concluded that Prof. Wimple has violated Sections I.1.1 (b) and I.1.2(c) of RPA's Code of Conduct, and Sections I.1.3 (three counts) and III.3.2 of Register's Standards of Research Performance. These sections read as follows:

Violation 1. (Code of Conduct)

I. The Archaeologist's Responsibility to the Public

I.1 An archaeologist shall: (b) Actively support conservation of the archeological research base.

Violations 2, 3, and 4. (Standards of Research Performance)

I. The archaeologist has a responsibility to prepare adequately for the research project, whether or not in the field. The archaeologist must:

1.3 Develop a scientific plan of research which specifies the objectives of the project, takes into account previous relevant research, employs a suitable methodology, and provides for economical use of the resource base (whether such base consists of an excavation site or of specimens) consistent with the objectives of the project.

Violation 5. (Standards of Research Performance)

III. Procedures for field survey or excavation must meet the following minimal Standards.

3.2. Uncollected entities such as environmental or cultural features, depositional strata, and the like must be fully and accurately recorded by appropriate means, and their location recorded.

Violation 6. (Code of Conduct)

I. The Archaeologist's Responsibility to the Public

1.2. An archaeologist shall not:

(c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation about archaeological matters.

The Grievance Committee requests that Prof. Wimple's registration by the Register of Professional Archaeologists be terminated.

Jeremiah H. Spiderwistle
Grievance Coordinator

Date

in behalf and on
recommendation of
The Grievance Committee

APPENDIX G. BY-LAWS OF THE REGISTER OF PROFESSIONAL ARCHAEOLOGISTS

Article 1 Purpose

The purpose of the Register of Professional Archaeologists (the “**Register**”) is to advance professionalism in archaeology by:

- a. Identifying archaeology as a profession and qualified archaeologists as professionals;
- b. Encouraging high standards in the training of archaeologists;
- c. Establishing and encouraging high standards of performance for professional archaeologists by promoting conformance to a published Code of Conduct and Standards of Research Performance;
- d. Designating qualified individuals as Registered Professional Archaeologists (a “**RPA**”);
- e. Administering grievance procedures to address questions of compliance with the Code of Conduct and Standards of Research Performance;
- f. Undertaking other activities that will serve to enhance the professional conduct and integrity of archaeological projects and research.

Article 2 Registration as a Professional Archaeologist

Section 2.1. Requirements. Registration as a RPA shall be open to any applicant who fulfills the following requirements:

- a. Provision of documentation satisfactory to the Registrar that the applicant meets the eligibility requirements established by the Board of Directors of the Register (the “**Board**”).
- b. Agreement to abide by the Register Bylaws, the Code of Conduct, and the Standards of Research Performance and to be subject to the Disciplinary Procedures of the Register.
- c. Payment of the applicable fees by deadlines established by the Board.

Section 2.2. Maintenance of Registration. Registration is maintained on an annual basis by payment of an annual registration fee established by the Board, on or before a date established by the Board.

Section 2.3. Reinstatement. Individuals who have let their registration lapse because of non-payment of fees may be reinstated in accordance with rules established by the Board.

Section 2.4. Rights of Registration. Any currently registered individual may refer to himself or herself as a “Registered Professional Archaeologist” and may use the abbreviation “RPA” to so signify. Except as otherwise provided in these Bylaws, each RPA is entitled to one vote on each matter submitted to a vote of the RPAs. All RPAs will receive a copy of all official Register publications.

Section 2.5. Quorum. Twenty-five percent of the RPAs entitled to vote on a matter shall constitute a quorum for consideration of such matter. If a quorum is present, then, except as otherwise expressly provided in these Bylaws, the affirmative vote of a majority of the votes present and voted, in person or by proxy, shall be the act of the RPAs with respect to such matter.

Section 2.6. Maintenance of Published Register. A Directory of Registered Professional Archaeologists will be published annually, and a current list of RPAs will be maintained at all times by the Register.

Section 2.7 Voluntary Termination. Voluntary termination of registration shall be by resignation or nonpayment of fees. The date of resignation shall be that of the date of receipt by the Secretary-Treasurer of a written letter of resignation. Voluntary termination shall also occur if current registration fees are not received by the Secretary-Treasurer in accordance with rules established by the Board.

Section 2.8 Disciplinary Action. The Register may, under conditions and procedures specified in the Disciplinary Procedures of the Register, admonish or censure an RPA or may suspend or terminate the registration of an RPA. Any RPA who voluntarily terminates registration after the date of receipt of written notification from the Grievance Coordinator of a pending investigation of charges against the RPA remains subject to all provisions of the Disciplinary Procedures of the Register through final conclusion of the review and resultant action, if any, on such charges by the Grievance Coordinator and, if appropriate, by the Standards Board.

Section 2.9 Appeal. Any individual denied registration by the Registrar may appeal that decision to the Standards Board, whose decision shall be final.

Article 3 Board of Directors

Section 3.1. General Powers. The Board shall manage the affairs of the Register and shall have the full authority permitted by law. 23

Section 3.2. Number, Tenure, and Qualifications. The Board shall consist of Officers and Directors. The Officers shall be the President, President-Elect, and Secretary-Treasurer. The number of Directors shall be equal to the number of Sponsoring Organizations, with each providing one Director. Officers and Directors shall be RPAs. The Registrar, Grievance Coordinator, and the Grievance Coordinator-Elect shall serve as voting members of the Board.

Section 3.3. Officers. Each Officer shall hold office for two years or until a successor shall be duly elected. The President-Elect shall automatically succeed to the office of President. No Officer shall be eligible for consecutive re-election to the same position or to a position that automatically succeeds to the same position. No person may hold more than one position at any one time. Terms of office of the President-Elect and Secretary-Treasurer shall be staggered so that the President-Elect and Secretary-Treasurer are not elected in the same year.

Section 3.4. Directors. Each Sponsoring Organization shall elect or appoint one RPA to a position as Director, for a three year term (see Section 8.2). Directors may serve additional terms at the discretion of the appropriate Sponsoring Organization. Terms of office of Directors shall be staggered to avoid replacement of all Directors in any given year.

Section 3.5. Vacancy. In the event of the absence, death, resignation, removal from office, or incapacity of the President, as determined by the Board, the duties of the office shall be assumed by the President-Elect. In the event of a vacancy in the office of Secretary-Treasurer, the President with the advice and consent of the Board shall have the power to make an interim appointment for the period of the vacancy. In the event of a vacancy in the office of President-Elect, a special election shall be held to select a replacement. Vacancy of a Director shall be filled by the appropriate Sponsoring Organization.

Section 3.6. Meetings. An annual meeting of the Board shall be held at a time and location determined by the Board at their prior meeting. Special meetings of the Board may be held at the call of the President and may be conducted via teleconference or other electronic means. The President shall call a special meeting of the Board at any time upon the written demand of at least three Officers and/or Directors.

Section 3.7. Quorum. A quorum of the Board shall consist of a majority of voting members of the Board.

Section 3.8. Voting. Questions before the Board shall be decided by a majority of the votes cast at any meeting or by electronic or mail ballot. In case of a tie vote the decision of the President shall be final.

Section 3.9. Removal.

a. An Officer may be impeached for just cause as determined by at least a three-quarters vote of a quorum of the Board. Removal of the impeached Officer requires two-thirds of the votes of the RPAs present and voted, in person or by proxy.

b. A Director may be removed at any time by the Sponsoring Organization which appointed such Director. 24

Section 3.10. Committees. The Board may appoint one or more committees which, to the extent specified by the Board, but subject to limitations imposed by law, may exercise the authority of the Board. Each such committee shall have two or more Officers or Directors, a majority of its membership shall be directors, and all such committee members shall serve at the pleasure of the Board. The President may create and appoint persons to a commission, advisory committee or other body which may or may not have Officers or Directors as members, which body may not act on behalf of the Register or bind the Register to any action, but which may make recommendations to the President or the Board.

Article 4 Registrar

Section 4.1. Tenure and Qualification. A Registrar, who must be a RPA, will be elected to a two-year term by a vote of the RPAs and shall be a voting member of the Board. The Registrar shall be responsible for determining whether to approve applications for registration. The Registrar shall follow any procedures established by the Board.

Section 4.2. Registrar Advisory Committee. The Register may appoint a Registrar Advisory Committee to assist the Registrar in the process of reviewing the qualifications of applicants. The Committee will be composed of no more than three RPAs who will serve at the pleasure of the Registrar for a term not to exceed his or her own. The Registrar will serve as chair of the Registrar Advisory Committee.

Section 4.3. Removal. The Registrar may be impeached by written notification for just cause as determined by at least a three-quarters vote of a quorum of the Board. Removal of the impeached Registrar requires two-third of the votes of the RPAs present and voted, in person or by proxy.

Section 4.4. Vacancy. In the event of a vacancy in the office of the Registrar, the position will be filled for the remainder of the term by appointment of the Board.

Article 5 Grievance Coordinator

Section 5.1. Powers. The Grievance Coordinator shall have responsibility for handling allegations of violations of the Code of Conduct and Standards of Research Performance of the Register, in accordance with the Disciplinary Procedures of the Register in effect from time to time.

Section 5.2. Tenure and Qualifications. The Grievance Coordinator shall be a RPA and shall hold office for a term of two years. The Grievance Coordinator-Elect shall automatically succeed to the office of Grievance Coordinator at the end of the Grievance Coordinator's term of office. The Grievance Coordinator shall be a voting member of the Board. 25

Section 5.3. Removal. The Grievance Coordinator may be impeached for just cause as determined by at least a three-quarters vote of a quorum of the Board. Removal of the impeached Grievance Coordinator requires two-thirds of the votes of the RPAs present and voted, in person or by proxy.

Section 5.4. Vacancy. In the event of a vacancy in the office of the Grievance Coordinator, the Board shall have the power to make an interim appointment for the period of the vacancy.

Article 6 Grievance Coordinator-Elect

Section 6.1. General Powers. A Grievance Coordinator-Elect shall be elected from among the RPAs every two years for a two year term of office. At the conclusion of this term the Grievance Coordinator-Elect will succeed to a two year term as Grievance Coordinator. The Grievance Coordinator-Elect will assist the Grievance Coordinator in handling allegations of violations of the Code of Conduct and Standards of Research Performance of the Register. In the event that the Grievance Coordinator requests recusal from a particular case due to a conflict of interest, the Grievance Coordinator-Elect will be assigned responsibility for that particular case by the Board. In the event that both the Grievance Coordinator and the Grievance Coordinator-Elect must seek recusal from the same case, the Board will appoint a member of the Board or a former Grievance Coordinator as an interim Grievance Coordinator to handle the case. The Grievance Coordinator-Elect shall be a voting member of the Board.

Section 6.2. Removal. The Grievance Coordinator-Elect may be impeached for just cause as determined by at least a three-quarters vote of a quorum of the full Board. Removal of the impeached Grievance Coordinator-Elect requires two-thirds of the votes of the RPAs present and voted, in person or by proxy.

Section 6.3. Vacancy. In the event of a vacancy in the office of Grievance Coordinator-Elect, the Board shall have the power to make an interim appointment for the period of the vacancy.

Article 6A Special Grievance Coordinator

Section 6A.1. Special Grievance Coordinator. Where because of a language barrier or because the alleged violation(s) of the Code of Conduct or Standards of Research Performance have occurred outside the United States, none of the persons specified in Section 6.1 above is willing and able to handle a grievance matter efficiently, the Board of Directors may appoint any RPA whom the Board of Directors deems qualified for such purpose to serve as Special Grievance Coordinator to handle that grievance matter. Unless otherwise specified by the Board of Directors, the Special Grievance Coordinator shall have all the powers and duties of the Grievance Coordinator with respect to that grievance matter.

Article 7 Standards Board

Section 7.1. General Powers. The Standards Board shall hear and decide on all appeals from decisions of the Registrar. In accordance with the Disciplinary Procedures of the Register, the Standards Board shall make final decisions regarding disciplinary action resulting from complaints of violations of the Code of Conduct and Standards of Research Performance that are referred to the Standards Board by the Grievance Coordinator or any person acting in place of the Grievance Coordinator pursuant to these Bylaws. 26

Section 7.2. Number, Tenure, and Qualifications. The Standards Board shall consist of three RPAs plus a First, Second, and Third Alternate, all of whom must be RPAs. One Standards Board Member and one Alternate shall be elected by a ballot of RPAs each year, and each shall hold office for three years or until a successor shall be duly elected. The Standards Board member with the longest tenure shall serve as Chair of the Standards Board. A Standards Board Member or Alternate actively involved in a grievance case or appeal at the time of the election of a successor shall remain a member of the Standards Board with respect to each such grievance case or appeal until final disposition. The newly elected Standards Board Members and Alternates shall assume all other duties of the position.

Section 7.3. Conflict of Interest. Any Standards Board member perceiving himself or herself, or declared by the Board or by the Standards Board, to have a conflict of interest in a given case to be heard before the Standards Board shall withdraw from the proceedings.

Section 7.4. Meetings. The Standards Board, when convened, shall consist of the three Members, or Members and Alternates, to make up a quorum of three.

Section 7.5. Removal. A Standards Board Member or Alternate may be impeached for just cause by at least a three-quarters vote of a quorum of the Board. Removal of an impeached Standards Board Member or Alternate requires two-thirds of the votes of the RPAs present and voted, in person or by proxy.

Section 7.6. Vacancy. In the event of the absence, death, resignation, withdrawal, removal, or incapacity of a Member of the Standards Board, the First Alternate, Second Alternate, and Third Alternate, singly and successively, in the order designated, shall fill such vacancy until the vacancy is filled.

Section 7.7. Code of Conduct and Standards of Research Performance. The Register shall maintain a written Code of Conduct and written Standards of Research Performance. These shall be adopted, and may be amended from time to time by the Board.

Section 7.8. Disciplinary Procedures. The Register shall maintain written Disciplinary Procedures. The Disciplinary Procedures of the Register shall be adopted, and may be amended from time to time by the Board.

Article 8 Sponsoring Organizations

Section 8.1. Definition. The Register may enter into agreements with appropriate organizations as Sponsoring Organizations.

Section 8.2. Representation. Each Sponsoring Organization shall be allotted one position on the Board of the Register. This position of Director shall have full voting rights. Each Sponsoring Organization shall have the right to elect or appoint (at the discretion of such Organization) a RPA to its position on the Board of the Register for a three-year term. A 27

Director may serve subsequent terms at the discretion of the appropriate Sponsoring Organization.

Article 9 Elections

Section 9.1. Nominating Committee. The Nominating Committee shall nominate candidates for Officers, Registrar, Grievance Coordinator-Elect, Standards Board and Alternates, and the Nominating Committee. The Nominating Committee shall consist of three RPAs. The chair and one at-large member of the Nominating Committee shall be elected by the RPAs in the annual election. The third member shall be appointed by the President. The Secretary-Treasurer shall certify to the Board that all individuals nominated are RPAs in good standing and shall obtain a signed statement from all individuals nominated that if elected they agree to serve for their term of office.

Section 9.2. Voting. Each Officer, Registrar, Grievance Coordinator, Grievance Coordinator-Elect, Standards Board Member and Alternate, and each member of the Nominating Committee shall be voted on separately, with each RPA entitled to one vote for each position in each election. In September a list of candidates and a ballot shall be distributed to each RPA. Ballots must be returned to the Secretary-Treasurer prior to a date specified, which shall not be less than 30 days from the date when the ballots are distributed to the RPAs. The Secretary-Treasurer shall appoint tellers to aid in tabulating the vote. The Secretary-Treasurer shall certify the vote to the Board. A tie vote shall be broken by the Board.

Article 10 Indemnification

Section 10.1. Indemnification.

a. The Register shall indemnify any person who was or is a party, or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the Register) by reason of the fact that he or she is or was an Officer, Director, Grievance Coordinator, Grievance Coordinator-Elect or an interim Grievance Coordinator, Registrar, member of the Standards Board, committee member, employee or agent of the Register, or who is or was serving at the request of the Register as an Officer, Director, Grievance Coordinator, Grievance Coordinator-Elect or an interim Grievance Coordinator, Registrar, Standards Board member, committee member, employee or agent of another corporation, partnership, association, trust or other enterprise, against expenses (including reasonable attorney's fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit or proceeding, if he or she acted in good faith and in a manner he or she reasonably believed to be in, or not opposed to the best interests of the 28

Register and, with respect to any criminal action or proceeding, had no reasonable cause to believe the conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he or she reasonably believed to be in or not opposed to, the best interests of the Register with respect to any criminal action or proceeding, or had no reasonable cause to believe that the conduct was unlawful.

b. The Register shall indemnify any person who was or is a party, or is threatened to be made a party to any threatened, pending or completed action or suit by or in the right of the Register to procure a judgment in its favor by reason of the fact that he or she is or was an Officer, Director, Grievance Coordinator, Grievance Coordinator-Elect or an interim Grievance Coordinator, member of the Standards Board, committee member, employee or agent of the Register, or is or was serving at the request of the Register as an Officer, Director, Grievance Coordinator, Grievance Coordinator-Elect or an interim Grievance Coordinator, member of the Standards Board, committee member, employee or agent of another corporation, partnership, association, trust or other enterprise, against expenses (including reasonable attorney's fees) actually and reasonably incurred by him or her in connection with the defense or settlement of such action or suit, if he or she acted in good faith and in a manner he or she reasonably believed to be in, or not opposed to, the best interests of the Register, except that no indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of his or her duty to the Register, unless, and only to the extent that the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability, but in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses as the court shall deem proper.

Section 10.2. Condition. Any indemnification under Section 10.1 (unless ordered by a court) shall be made by the Register only as authorized in the specific case, upon a determination that indemnification of the person is proper in the circumstances because he or she has met the applicable standard of conduct set forth in Section 10.1. Such determination shall be made with respect to a person who holds the indemnified position at the time of the determination: (1) by the majority vote of Officers and Directors who are not parties to such action, suit or proceeding, even though less than a quorum, (2) by a committee of the Board designated by a majority vote of the Board, even though less than a quorum, (3) if there are no such Officers or Directors, or if the Officers and Directors so direct, by independent legal counsel in a written opinion, or (4) by the RPAs.

Section 10.3. Interim Payments. Expenses (including attorneys' fees) incurred by an Officer, Director, Grievance Coordinator, Grievance Coordinator-Elect, interim Grievance Coordinator, member of the Standards Board or committee member in defending a civil or criminal action, suit or proceeding may be paid by the Register in advance of the final disposition of such action, suit or proceeding, as authorized by the Board in the specific case, 29

upon receipt of an undertaking by or on behalf of the person to be indemnified to repay such amount, unless it shall ultimately be determined that such person is entitled to be indemnified by the Register as authorized in this Article. Such expenses (including attorney's fees) incurred by former Officers, Directors, Grievance coordinators, Grievance Coordinators-Elect, interim Grievance Coordinators, members of the Standards Board, committee members or other employees and agents may be so paid on such terms and conditions, if any, as the Register deems appropriate.

Section 10.4. Non-Exclusivity. The indemnification provided by this Article shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled under any by-law, agreement, vote of RPAs or disinterested Officers and Directors, or otherwise, both as to action in an official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to hold such office or serve in such and administrators of such person.

Section 10.5. Insurance. The Register may purchase and maintain insurance on behalf of any person who is or was an Officer, Director, Grievance Coordinator, Grievance Coordinator-Elect or an interim Grievance Coordinator, member of the Standards Board, committee member, employee, or agent of the corporation, or who is or was serving at the request of the Register as a Director, Officer, committee member, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against any liability asserted against him or her and incurred by him or her in any such capacity, or arising out of his or her status as such, whether or not the Register would be obligated to indemnify him or her against such liability under the provisions of this Article.

Section 10.6. Report. If the Register indemnifies or advances expenses under Subsection 10.1b above to an Officer, Director, Grievance Coordinator, Grievance Coordinator-Elect, the Register shall report the indemnification or advance in writing to the RPAs and Sponsoring Organizations with or before the notice of the next meeting of RPAs.

Article 11 Fiscal Year

Section 11.1. Fiscal Year. The fiscal year of the Register shall be fixed by the Board.

Article 12 Amendments

Section 12.1. Amendments. These Bylaws may be amended in whole or in part by a majority of the votes of RPAs present and voted, in person or by proxy.

Section 12.2. Proposing Amendments. Amendments to the Bylaws may be proposed by either of the following methods.

- a. By proposal from the Board, or
- b. By petition to the President signed by not less than fifty RPAs whose current registration status shall be certified by the Secretary-Treasurer.

Upon receipt of any such proposal or petition, the President shall cause a ballot to be distributed to the RPAs within 45 days. The balloting shall follow the applicable procedures set out in Section 10.2 above.

Article 13 Use of Earnings and Assets

Section 13.1. Earnings. No part of the net earnings of the Register shall inure to the benefit of or be distributed to its RPAs, Officers, Directors, committee members, or other private individuals, except that the Register may pay reasonable compensation for services rendered and may make payments and distributions in furtherance of the purposes of the Register as set forth in the Articles of Incorporation and these Bylaws.

Section 13.2. Assets. Upon the dissolution of the Register, whether voluntary or involuntary, after paying all of the liabilities of the Register, the Register shall dispose of all its assets exclusively for the purposes set forth in the Articles of Incorporation and these Bylaws by donating them to an institution or organization exempt from taxation under Sections 501 (c) (3) or 501 (c) (6) of the Internal Revenue Code of 1986 or the corresponding provision of such future Internal Revenue Code as may then be in effect.

Article 14 Electronic Transmission

Section 14.1. Notice. Any notice required by the Illinois General Not For Profit Corporation Act (the “Act”) to be given shall be effective, to the extent permitted by the Act, if given by any method permitted by the Act, including, but not limited to, transmission by electronic means to the address that appears on the records of the Register.

Section 14.2. Actions. Any actions required by the Act to be “written,” to be “in writing,” to have “written consent” or “written approval” and the like by or of the RPAs, Sponsoring Organizations, Officers, Directors or committee members shall include, to the extent permitted under the Act, any communication transmitted or received by electronic means.

APPENDIX H. LISTING OF PREVIOUS GRIEVANCE COORDINATORS WHO HAVE OFFERED TO PROVIDE ASSISTANCE

The following former Grievance Coordinators have offered to provide assistance when needed:

Dave Browman (dlbrowma@artsci.wustl.edu)

Berle Clay (rbclay@crai-ky.com)

Joan Deming (aci.jdeming@comcast.net)

Glen Doran (gdoran@fsu.edu)

Gary Moore (gccmoore@gmail.com)

Kay Simpson (ksimpson@crai-ky.com)

APPENDIX I. REPORTS OF PREVIOUS GRIEVANCE COORDINATORS

Report of the Register of Professional Archaeologists Grievance Coordinator for the period from January 1 to December 31, 2013, submitted by Jim Bruseth, RPA Grievance Coordinator

Three grievances have been received during the period of this report.

The first case happened in April of this year and concerned an anonymous letter received and forwarded to me by our business office. Aside from non-RPA related accusations beyond the scope of RPA's Code of Conduct (make this link to the Code) and the Standards of Research Performance (make this link to the Standards), the RPA issue was that the person was going to request that an archaeological field school be certified by RPA and the accused was not qualified to do the field school. Since the person identified in the letter was not an RPA, the field school could not be certified by RPA and the case was closed.

The second case happened in August and concerned a complaint that several individuals were not currently registered RPAs and were using RPA on their author lines for reports. Other accusations were made about the quality of the work these individuals had undertaken. Checking the RPA records showed that these individuals were not current registrants. Failure to pay the fee is a voluntary termination of registration, according to RPA by-laws. All individuals were contacted and renewed their registrations through payment of their fees. Allegations about past conduct could not be investigated since the accused were not actually registered RPAs at the time of the conduct.

The third case also concerns a person using "RPA" with their name on printed documents who is not a current registrant. The person was contacted and subsequently reinstated their registration by paying their fee.

Report of the Register of Professional Archaeologists Grievance Coordinator for the period from January 1 to August 15, 2014, submitted by Jim Bruseth, RPA Grievance Coordinator.

Four grievance cases have been received during the period of this report. I briefly summarize the cases below.

Two of the cases were complaints that individuals, not currently registered as RPAs, were using "RPA" on their e-mails and other communications. Checking the RPA records verified that these individuals were not current registrants. Failure to pay the fee is a voluntary termination of registration, according to RPA Bylaws. Both individuals were contacted and told that they could not use "RPA" with their name. Both agreed to stop doing this, and subsequently one renewed his/her registration through payment of fees. The submitters of the original complaints were notified about the outcome of their inquiries. One of these cases is the completion of a grievance inquiry reported as incomplete in my last Grievance Report.

The other two cases were complaints about RPA ethical violations by archaeologists. In both cases, well presented grievance complaints were submitted. However, in checking the RPA

records, both individuals were found not to be registrants at the time of the proposed ethical violations. The grievance inquiries could not move forward, as grievances can only be taken against RPAs that were registrants at the time of the alleged ethical violations. The submitters of the original complaints were notified about the outcome of the inquiries.

Report of the Register of Professional Archaeologists Grievance Coordinator for the period from August 16, 2014 to December 9, 2014 submitted by Jim Bruseth, December 9, 2014

No formal grievances were submitted during the period of this report. One question was posed to the Grievance Coordinator about whether the RPA Code of Conduct requires reporting the results of a cultural resources survey to the state's SHPO, when the survey is done on a voluntary basis by a private corporation on private land. Furthermore, there is no Section 106 of the National Historic Preservation Act involvement and no state statute covering the undertaking. The answer to this question is that ideally all inventory results should be submitted to the SHPO in order to maintain an accurate state-level database of efforts to locate cultural resources. Such information can then be used to prevent future duplicative surveys and to flag sites for other undertakings that have the potential to impact cultural resources. But the RPA Code of Conduct does not specifically require the submission of the survey results to the SHPO absent federal or state law. The area where the Code does in part speak to this issue is in "Section 2.1 An archaeologist shall accurately, and without undue delay, prepare and properly disseminate a description of research done and its results." The Code also states in "Section 3.1 An archaeologist shall respect the interests of his/her employer or client, so far as is consistent with the public welfare and this Code and Standards." Given the ambiguity in these statements with respect to the specific question being asked, a judgment call is required by the archaeologist about what constitutes proper dissemination of survey results and respecting the interests of his/her client. If this can be achieved absent sending the results to the SHPO, then it appears that the Code would not be violated. Alternatively, if the survey had been done under Section 106, then submission to the SHPO would be required under "Section 2.1 know and comply with all federal, state, and local laws, ordinances, and regulations applicable to his/her archaeological research and activities."

**APPENDIX J. GRIEVANCE INITIATION FORM AND GRIEVANCE COMPLAINT
SUMMARY FORM**

Register of Professional Archaeologists

GRIEVANCE INITIATION FORM

Date: _____

Name of Complainant: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ E-mail: _____

Name of Accused Registrant: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ E-mail: _____

Indicate the specific sections of the Code of Conduct (Code) and Standards of Research Performance (Standards) alleged to have been violated. Provide a brief description of the nature of the alleged violations of the Code and Standards.

Provide the names and contact information for other individuals knowledgeable of the allegations and able to provide evidence of the violation.

Please return the completed form to the current Grievance Coordinator listed on the RPA website (<http://www.rpanet.org>)

[Form to be completed by the Grievance Coordinator]
Register of Professional Archaeologists

GRIEVANCE COMPLAINT SUMMARY FORM

Date Complaint Received:

Acknowledged by (Name of Grievance Coordinator): _____

Name of Complainant: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ E-mail: _____

Name of Accused Registrant: _____

I have verified that _____ is currently a RPA: Yes: _____ No: _____

[Go to <http://rpanet.org> and check Directory to verify current registration status; check with the Registrar for registration history information, if needed]

Contact Information for Accused Registrant:

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ E-mail: _____

List the specific sections of the Code of Conduct (Code) and Standards of Research Performance (Standards) that the complainant alleges were violated by the accused. Provide a summary of the alleged violations.

INITIAL INQUIRY FINDINGS [*Append to form*]

- 1) Provide dates(s) and summary information from the complainant.
 - 2) Provide dates(s) and summary information from the accused RPA.
 - 3) Provide date(s) and summary information from the other sources.
-

ACTIONS:

There is sufficient evidence to appoint a Grievance Committee: YES _____ NO _____

The inquiry will be closed due to:

a) Lack of evidence of a violation: YES _____ NO _____

b) Lack of means to substantiate the allegations: YES _____ NO _____

Date inquiry closed: _____

Date complainant notified of inquiry closure: _____

Date accused RPA notified of inquiry closure: _____