

RULES OF OPERATION

Wisconsin Society of Professional Engineers
Board of Engineers Professional Responsibility (BEPR)
RULES OF OPERATION

March 2001

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Section I. Preamble

- A. The Wisconsin Society of Professional Engineers (WSPE) subscribes to and supports the NSPE Code of Ethics for engineers. WSPE objectives include stimulating and developing professional concepts among engineers and establishing and preserving high standards of ethical conduct and practice by members of the profession. WSPE undertakes programs to advance and to implement the NSPE Code of Ethics for Engineers to guide the behavior of members of the profession and to provide means for disclosure or correction of unethical practice.
- B. The WSPE Board of Directors establishes the WSPE Board of Engineers Professional Responsibility (BEPR) as a WSPE Standing Board.

Section II. Name

- A. The name of the Standing board is the WSPE Board of Engineers Professional Responsibility (BEPR).

Section III. Purposes and Objectives

- A. The WSPE Board of Engineers Professional Responsibility has three basic purposes:
 - 1. Education. To educate members of the profession, engineering students, and others about professional practice and engineering ethics.
 - 2. Investigation. To investigate professional misconduct complaints and recommend disciplinary action by the WSPE Board of Directors against a member respondent.
 - 3. Public Service. To aid the public in understanding the professional practice of engineering and to assist state agencies, examining boards, and others in protecting the public's health, safety and welfare.
- B. The WSPE Board of Engineers Professional Responsibility's objective is to preserve high standards of ethical conduct and professional practice by members of the profession.

Section IV. Membership

- A. BEPR Board members are members (except student members) in good standing of the WSPE. Board members of BEPR shall be appointed by the WSPE President and serve staggered three-year terms commencing on July 1. Total membership of the BEPR Board shall be not more than 12 nor fewer than 6 and shall be representative of the overall practice of professional engineering.
- B. Board members may serve two consecutive appointed three-year terms. A Board member appointed to fill a vacancy shall not be deemed to have served a full

appointed three-year term. Individuals shall be eligible for reappointment to BEPR two years after completion of their last appointed term.

Section V. Officers and Governing Body

- A. The officers of the BEPR are a chair, a vice chair, and secretary. The governing body of BEPR is the WSPE President's appointed board.

Section VI. Meetings

- A. Meetings shall be announced to the Board at least ten days in advance of the meeting date. Except as provided by these rules of operations, Robert's Rules of Order (Revised) shall govern meetings. A majority of the Board constitutes a quorum for transacting -BEPR business.

Section VII. Duties of the Officers

- A. The chair of BEPR presides at meetings of the Board, and in the absence of the chair, the vice chair presides.
- B. Annually, the chair presents the Board and the WSPE Board of Directors with a report outlining the activities of the past year and a plan of action for the coming year.
- C. The secretary records actions of BEPR's Board and serves as a chronicler of ethics and professional practice matters of interest to members of WSPE. These recorded actions shall be given to the WSPE Executive Director. The Executive Director maintains contact and liaison with the public, state agencies, examining boards, and others. The Executive Director also maintains funds of BEPR within the Wisconsin Society of Professional Engineers.

Section VIII. Election of Officers

- A. The chair and vice-chair are elected annually by the Board membership for one-year terms beginning July 1.
- B. The secretary is the secretary appointed by the BEPR Board Chair.

Section IX. Select Committees for Education and Public Service

- A. The chair shall appoint BEPR Board members to chair Select Committees for education and public service to undertake assignments meeting BEPR's purposes and objectives on engineering ethics and professional practice. These Select Committee chairs shall form their own committees with BEPR Board members and other resource persons. The Select Committees shall analyze and study issues involved, present facts and recommendations for approval by BEPR's Board membership, and assist BEPR in implementing approved actions.

Section X. Procedures for Handling Professional Misconduct Inquiries or Complaints

- A. The procedures to be used by the WSPE Board of Engineers Professional Responsibility in handling professional misconduct inquiries or complaints are as follows:
 - 1. General Provisions/Definitions

- a. Code of Ethics is the NSPE Code of Ethics for Engineers in force at the time of the alleged misconduct.
 - b. Executive Director is the Executive Director of the Wisconsin Society of Professional Engineers.
 - c. Chair is the Chair of the BEPR Board. WSPE members and the public shall be encouraged to discuss ethical questions and issues with the Chair at any time and, in particular, to discuss matters before formally filing an inquiry or complaint.
 - d. Secretary is the person appointed by the BEPR Board Chair.
 - e. BEPR is the WSPE Board of Engineers Professional Responsibility.
 - f. Board of Directors is the WSPE Board of Directors.
 - g. Board is the BEPR Board.
 - h. Member is a member of the Wisconsin Society of Professional Engineers.
 - i. Board member is a member of the BEPR Board.
 - j. Examining Board is a duly constituted public board or agency authorized to issue certificates to practice professional engineering or other engineering functions, including the Wisconsin Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers, and Land Surveyors.
 - k. An inquiry is a question about possible professional misconduct received by the Executive Director. Inquiries are encouraged to be used as a way to clarify ethical issues without filing a formal complaint.
 - l. Complaint is a properly completed complaint form received by the Executive Director.
2. Disposition of Inquiries
 - a. Any person may file an inquiry.
 - b. Inquiries should be directed, in confidence, to the Executive Director and include:
 1. Name and address of inquiring party.
 2. Description of the potential professional misconduct.
 3. No specific identification of the member involved should be included unless absolutely necessary to describe the possible professional misconduct.
 4. The inquiry shall be re-stated in generic terms as necessary to maintain confidentiality.
 5. The Executive Director shall keep the name of the inquiring party confidential and transmit only the description of the inquiry to BEPR members only.
 - c. BEPR Review of Inquiry
 1. BEPR shall review the description of the inquiry to determine if the circumstance described is likely to constitute a breach of the Code of Ethics.
 2. A written evaluation of the circumstances shall be prepared and provided only to the person making the inquiry. The person making the inquiry shall be asked, in writing by BEPR, if the evaluation satisfies the inquirer's concerns. If the concerns are satisfied, the inquiry file shall be closed. If the concerns are not satisfied, the inquirer may file a complaint within 30 days. If no complaint is timely filed, the inquiry file shall be closed and the inquirer shall be stopped from filing a complaint on the matter.

- a. After receipt of a written complaint, and after the time has passed for the respondent to file a response to the complaint, BEPR shall place the complaint on the agenda for review at its next meeting.
 - b. BEPR shall review the complaint and the response, if any, to determine whether the complaint, if all matters alleged therein are assumed to be true, constitutes a breach of the Code of Ethics.
 - c. If BEPR finds that the complaint is not sufficient to establish a violation of the Code of Ethics, the complaint will be dismissed and the respondent and the complainant will be so notified.
 - d. If BEPR finds that the allegations of the complaint, assumed to be true for this portion of the review process, are sufficient to establish a violation of the Code of Ethics, BEPR may order an investigation thereof.
 - e. If an investigation is warranted, BEPR may appoint a member or members from BEPR to conduct an investigation or may retain a private investigator to conduct the investigation. Investigations shall be limited to the allegations of the complaint, but additional complaints may be filed based on facts discovered during the investigation.
 - f. The investigator shall inform persons interviewed of the confidential nature of the investigation. The investigator shall file a written report with BEPR containing a narrative account of all pertinent information obtained. The report shall not contain any determination or speculations with respect to whether the evidence indicates a breach of the Code of Ethics. The report shall make no recommendations. The investigator shall also file with BEPR copies of all gathered information in the investigator's file.
 - g. Within 10 days of the receipt of the investigator's written report and investigatory file, the Executive Director shall forward a copy of the report to both the complainant and the respondent by certified mail, return receipt requested. A copy of the investigatory file need not be forwarded to either the complainant or the respondent, but shall be open for review by either party.
 - h. Within 10 days of receipt of the investigator's report, complainant and the respondent may file written responses to the report.
5. BEPR Action
- a. At the next meeting of BEPR, the initial complaint, responses, investigatory report and file, and any other materials deemed pertinent to determine whether there is reasonable cause to believe that a violation of the Code of Ethics has occurred shall be reviewed.
 - b. If BEPR determines there is no reasonable cause it shall so state its reasons in a final written report, shall close the file on the matter, and shall notify the respondent and the complainant by certified mail, return receipt requested, of this action.
 - c. If BEPR determines there is reasonable cause it shall set the matter down for a hearing. The scheduled date shall not be less than 10 or more than 30 days from the date BEPR makes its determination as to reasonable cause. Both the complainant and the respondent shall be notified by certified mail, return receipt requested, of the date and place of the hearing.
 - d. The notice of the hearing shall specify the particular sections of the Code of Ethics, which there is reasonable cause to believe the respondent violated. No other issues may be raised subsequent to the issuance of the notice of hearing.

- e. The notice shall inform the respondent that the respondent must notify BEPR, within 10 days after receipt of notice, as to whether the respondent wants to proceed with the hearing or waives the respondent's right to one.
 - f. If the respondent does not respond within the specified time, BEPR may cancel the hearing and submit its recommendation to the Board of Directors.
6. Hearings
- a. Hearings on alleged violations of the Code of Ethics shall be conducted informally by BEPR. The BEPR chair or designee shall preside and be responsible for its conduct, including ruling if necessary, on any points of order.
 - b. All persons reporting or testifying at the hearing shall be sworn. A sound recording shall be made. All hearings conducted and related matters documents including file materials shall be considered confidential. The WSPE legal counsel and Executive Director may attend the hearing and subsequent closed session to deliberate and determine whether in fact a violation of the Code of Ethics has occurred.
 - c. Business to be conducted at the hearing shall be in the following order:
 - 1. The investigator who conducted the investigation shall make an oral report to BEPR.
 - 2. The respondent or any legal counsel on the respondent's behalf shall respond to the investigator's report.
 - 3. Witnesses, including the complainant, may be called by either BEPR or the respondent to testify of behalf of either party. The Executive Director shall notify the complainant if BEPR desires the complainant's presence at the hearing.
 - 4. Both BEPR and the respondent shall be entitled to submit any and all documents deemed pertinent to the alleged violation of the Code of Ethics.
 - d. BEPR may continue the hearing at any time to allow further investigation prior to deliberating to determine if in fact a violation of the Code of Ethics has occurred.
 - e. At the conclusion of the hearing, BEPR will meet in closed session to deliberate and determine whether in fact a violation of the Code of Ethics has occurred. In its deliberations, BEPR shall also decide what, if any, form of discipline, either expulsion, suspension, reprimand, or other is recommended.
 - f. If BEPR determines that there has been a violation of the Code of Ethics, BEPR shall finalize its findings in a written report which shall include:
 - 1. The allegations of the complaint.
 - 2. The findings of fact made by BEPR.
 - 3. The specific violation(s) found to have occurred and the appropriate references to the various sections of the Code of Ethics, which have been violated.
 - 4. The recommendation for disciplinary action.
 - g. If BEPR determines that there has not been a violation of the Code of Ethics, BEPR shall file a final written report which shall include:
 - 1. The allegations of the complaint.
 - 2. The findings of fact made by BEPR.

3. The specific reasons why BEPR has determined that no violation of the Code of Ethics has occurred.
 - h. BEPR's final report shall be mailed by certified mail, return receipt requested, to both the respondent and the complainant within 10 days of the conclusion of the hearing. BEPR's final report shall also be filed within 10 days with the Executive Director. If a violation is found, the Executive Director shall schedule the matter on the agenda for the next Board of Directors meeting.
 - i. Within 10 days of receipt by the respondent of BEPR's final report finding that no violation of the Code of Ethics has occurred, the respondent may request that BEPR's findings be published and if so, they will be published in the official magazine for the Society.
 - j. Within 10 days of receipt of BEPR's final report finding that a violation of the Code of Ethics has occurred, the respondent may file a written appeal with the Board of Directors. Any written appeal must contain all statements or supporting information, which will provide the Board with a full understanding of the basis for the appeal.
- B. The procedures to be used by the WSPE Board of Directors in handling cases of professional misconduct complaints received from BEPR are as follows:
1. Action by the Board of Directors
 - a. At the next meeting of the Board of Directors after receipt of a written case report and any written appeal, the Board of Directors shall review the report and the recommendations of BEPR.
 - b. In a closed meeting, which the chair of BEPR or designee, the Executive Director, and the WSPE legal counsel may attend, the Board of Directors shall review all materials submitted by BEPR, and shall approve the recommendation of BEPR, reduce the recommended disciplinary action, reverse the findings based upon the appeal statement, or return the case to BEPR for reconsideration based upon new or additional information made known to the Board prior to or at the Board meeting. Under no circumstances may the Board increase the recommended disciplinary action of BEPR.
 - c. If the Board of Directors returns the matter to BEPR, the Board shall identify in writing the information and the reasons the Board believes justify reconsideration. Both the complainant and the respondent shall be sent written confirmation of the Board's action within 10 days of the action, by certified mail, return receipt requested. Within 60 days of the Board's action in returning a matter to BEPR, BEPR shall reconsider the cases returned.
 - d. If upon re-consideration BEPR determines, based upon new or additional information, that the recommendation for disciplinary action should be more stringent, the respondent shall be notified in writing within 10 days by certified mail, return receipt requested. The notification shall extend to the respondent an offer for a rehearing to be conducted in accordance with the hearing procedures set forth in these rules. If a rehearing is requested and conducted, BEPR shall submit its reconsidered final report to the Board of Directors in accordance with the procedures set forth in these rules.
 - e. The written findings of the Board of Directors shall be considered final. The Board of Directors shall take final disciplinary action against a respondent who is found to have violated the Code of Ethics. The National Society of Professional Engineers (NSPE) shall be notified of the action.

- f. When appropriate, the Board of Directors may submit any information obtained during the disciplinary process to any other entities or authorities who may have concurrent jurisdiction over alleged violations.
- g. Disciplinary actions of the Board of Directors acting for the general membership shall be published in the official magazine for the Society.

Section XI. Amendments

- A. These Rules of Operations may be amended by vote of the BEPR membership and to become effective must receive an affirmative vote by the WSPE Board of Directors.

Special Acknowledgment: The Procedures for Handling Professional Misconduct Complaints section is patterned after the Florida Engineering Society's Professional Policy (PP No. 4-0, as amended November 19, 1987). WSPE thanks FES for their help and assistance.