

Procedures for Review of SWE Member Conduct

I. Introduction

The SWE Member’s Code of Conduct (the “Code”) serves as a code of conduct for leaders and members in SWE. SWE members affirm their endorsement of the Code and acknowledge their commitment to uphold its principles by accepting and retaining membership and any leadership position. Violations of the Code may result in sanctions imposed under these Procedures.

The grounds for disciplinary action are one or more material, demonstrable violations of any provision of the Code. Multiple alleged violations of the Code may be consolidated, at the discretion of the Ethics Committee (as such term is defined below), into a single complaint (as such term is defined below).

These Procedures shall apply to all complaints, allegations, inquiries, or submissions involving a potential violation of the Code (hereinafter collectively referred to as “complaints”) received by SWE about a member, whether initiated by a leader, employee, member, agent of SWE, or other third party.

Actions taken under these Procedures do not constitute enforcement of the law, although referral to appropriate federal, state, or local government agencies may be made about a member’s conduct in appropriate situations. Persons bringing complaints are not entitled to any relief or damages by virtue of this process. Complaints essentially of a commercial nature (such as claims alleging defamation by or unfair business practices of a competitor), or primarily requesting judicial-type relief, may not be considered under these Procedures unless they also involve potential violations of the Code.

These Procedures are on the SWE website for all members.

II. Development and Administration of Procedures

The Society Board of Directors is responsible for the administration of these Procedures; however, the SWE Ethics Committee (the “Committee”) is delegated to develop and administer these Procedures on behalf of the Board.

29 The Chair of the Committee (the “Chair”) is specifically responsible for ensuring that these
30 Procedures are implemented and followed consistently and objectively. Legal Counsel, which is
31 SWE’s attorney, will be consulted as needed.

32 All Ethics Committee members, SWE employees, and other individuals engaged in investigations
33 or decisions on behalf of SWE with respect to any complaint under these Procedures are
34 indemnified and shall be held harmless and defended by SWE against any liability arising from
35 such activities to the extent permitted by law, provided such individuals act in good faith and
36 with reasonable care, without gross negligence or willful misconduct, and do not breach any
37 fiduciary duty owed to SWE. No individual who (directly or through family or business
38 connections) has any personal or private business involvement in or connection to the alleged
39 misconduct or any other conflict of interest shall be permitted to participate in the matter to be
40 reviewed. Any such involvement or connection shall be immediately disclosed by the affected
41 individual to the Committee and to the Board.

42 Section, Members-At-Large (MALs), and International Members should try to address issues
43 themselves but if they need additional support, they should follow the process detailed in this
44 Procedure and the Ethics Committee may refer the issue back to the Section, MALs, and
45 International Members. Section, MALs, and International Members are not authorized for
46 formal review and action.

47 **III. Composition of Ethics Committee**

48 The Committee shall consist of members who have served on the Nominating Committee, Board
49 of Directors, Board of Trustees, or as Region Governors and shall have at least 3 members
50 including a chair and a chair-elect. Members of the Ethics Committee may not also concurrently
51 be members of the Board of Directors, Board of Trustees, or the Nominating Committee. If a
52 member of the Ethics Committee is the party toward which the complaint is issued, they will be
53 removed from discussion of that issue. The chair and chair-elect shall be elected per the Society
54 bylaws. Remaining members of the Ethics Committee will be selected by the chair/chair-elect as
55 part of the annual Society call for volunteers to serve for a one-year term. The Ethics Committee
56 Chair will have the President as their Board liaison.

57 **IV. Complaints**

58 A. Complaints may be made and transmitted in writing by any member, committee, or SWE group
59 to the Ethics Committee or any member of the SWE Board of Directors or any SWE Leader
60 (collectively, “Complaint Recipients”) according to section IV.B.

61 The following is the standard protocol for making a complaint:

- 62 1) The first contact shall be the immediate SWE leader for the submitter.
- 63 2) If the SWE immediate leader cannot resolve or if the complaint is against the SWE
64 immediate leader, then the complainant should contact the Ethics Committee chair for
65 assistance/guidance.

66 B. Complaints must be in writing and should be accompanied by as much documentary or other
67 evidence as is reasonable under the circumstances to enable the Committee to determine whether
68 the complaint merits further action. The form for filing a complaint can be found on the SWE
69 website.

70 C. Complaints must be made within one year of the occurrence or of the discovery of the
71 occurrence. All credible evidence of Code violations received by a Complaint Recipient, or of which a
72 Complaint Recipient becomes aware, shall be subject to mandatory written referral by the
73 Complaint Recipient to the Chair and such referrals which shall be subject to these Procedures. For
74 complaints forwarded to the Ethics Committee Chair, the Chair shall communicate with the person
75 who presented the Complaint within two weeks to confirm receipt of the Complaint. The Chair will
76 work with the Ethics Committee to attempt to resolve all complaints in an appropriate timeframe.

77 Direct or indirect retaliation of any kind by SWE or its officers, directors, employees, members, or
78 agents against any individual that initiates or is involved in the making of a complaint is strictly
79 prohibited. This prohibition on retaliation shall be enforced strictly by the Board. Similarly,
80 complaints made with knowledge of their falsity, in whole or in part, are strictly prohibited. Making
81 knowingly false complaints shall be treated as an ethics violation.

82 D. Upon receipt and preliminary review of each complaint,

83 1) The Chair may conclude that the complaint: (1) contains factually unreliable or
84 insufficient information or (2) is patently frivolous or trivial. In such cases, the Chair may
85 determine that the complaint does not constitute a potentially actionable complaint
86 that would justify bringing it before the Committee for further deliberation of whether
87 there has been a - violation of the Code. If so, such complaint shall be dismissed without
88 prejudice by the Ethics Committee and that decision will be communicated to the
89 submitter by the Chair. All such preliminary dispositions of complaints by the Chair shall
90 be reported to all members of the Committee and to the President and to SWE's CEO.
91 As to any complaint that is dismissed before an investigation is conducted, there shall be
92 no obligation on the part of the Chair to notify the member against whom the complaint
93 was filed that a complaint was filed.

94 2) The chair may deem on a preliminary basis that the complaint is to be a potentially
95 actionable complaint. The Chair shall see that written notice is provided to the
96 member(s) whose conduct has been called into question, advising the member that an

97 investigation is being initiated. The Chair also shall notify the individual who submitted
98 the complaint that the complaint is being reviewed by the Committee.

99 **V. Review of Complaint**

- 100 A. For each complaint involving an alleged violation of the Code that the Chair believes is
101 potentially actionable,
- 102 1) the Chair shall authorize an investigation into its specific facts or circumstances, to
103 whatever extent is necessary, to clarify, expand or corroborate the information provided
104 by its submitter, and to assist the Committee in deciding as to whether charges (and, if
105 so, what charges) against the member should be brought.
 - 106 2) The Committee may be assisted in the conduct of its investigation by SWE staff, legal
107 counsel, outside experts, or members with subject matter expertise, provided that no
108 such staff person, legal counsel, member, or outside expert has any conflict of interest
109 with respect to the matter and provided such individuals agree to maintain the
110 complete confidentiality of the investigation.
 - 111 3) Both the individual submitting the complaint and the member who is the subject of the
112 charge may also be contacted by the Committee or its agents for additional information
113 with respect to the complaint.
 - 114 4) In addition, the Committee or its agents may contact other individuals who may have
115 knowledge of the facts and circumstances surrounding the complaint.
- 116 B. The Committee shall then determine whether the complaint warrants the bringing of charges
117 under these Procedures against the member who is the subject of the complaint.
- 118 C. If the Committee concludes that charges should be brought, it shall prepare written charges and
119 a written report explaining the alleged aggrieved conduct and why such conduct constitutes
120 grounds for disciplinary action under the Procedures.
- 121 D. If the Committee concludes that no charges should be brought, it shall dismiss the charges
122 without prejudice and so notify the member in writing.
- 123 E. All such dispositions of complaints shall be immediately reported in writing to all members of
124 the Committee, with a copy to the SWE President and to SWE's CEO.
- 125 F. Whether or not charges are brought, for all complaints the Committee should determine
126 whether the matter should be referred to a law enforcement agency on behalf of SWE, and, if
127 so, should promptly do so.

128 **VI. Charges**

- 129 A. If the Committee recommends that charges be brought, the Chair shall draft a report
130 summarizing the investigation and enumerating the committee’s recommendations. The Chair
131 shall submit this report to the President.
- 132 B. Upon approval of the President to proceed with charges, the Chair shall notify the member to be
133 charged and send the member a copy of the charges and the Committee's report via verified
134 electronic signature system. The Chair shall advise the member that an investigation has been
135 conducted and that a hearing will be held, providing the member with the proposed date and
136 time (no less than 30 days from receipt of the notice) for such hearing as well as the identities of
137 the participating Committee members.
- 138 a. Any hearing held must be accessible remotely by a mutually agreed-upon technology.
- 139 b. At least 2 committee members and the Chair (or designee) must participate in the
140 hearing. Those participating in the hearing shall ensure that they do not have a conflict
141 of interest.
- 142 C. The member shall be advised that they have the opportunity to submit information or
143 arguments contesting the charge in writing, by submitting such a request to the Committee
144 within thirty days from receipt of the notice. The member also shall be advised that they have
145 the right to review evidence to be presented at the hearing and that they can be represented by
146 legal counsel (at their own expense).
- 147 a. Within seven calendar days of receipt of the notice of hearing, the member that is the
148 subject of the complaint must acknowledge the hearing date or may request an
149 alternative date or time for the hearing. The Committee should make reasonable efforts
150 to accommodate such a request. The Committee shall not be obliged, however, to grant
151 the member’s requests and ordinarily, only one request for a postponement or
152 alternative date or time will be entertained. If the member elects to provide witnesses,
153 the list of witnesses shall be provided at least one week before the hearing.
- 154 D. All investigations and deliberations of the Committee are to be conducted in strict confidence to
155 the extent possible, except that the Committee shall be permitted to disclose any relevant
156 information when compelled by law or to parties essential to the review and investigation of the
157 alleged misconduct. All investigations and deliberations of the Committee shall be conducted
158 objectively, without prejudice of any kind. An investigation may be directed toward any
159 aspect of a complaint that is relevant or potentially relevant.

160 **VII. Hearing**

- 161 A. The Chair shall preside over the hearing and make evidentiary and other procedural rulings with
162 the advice of SWE’s general counsel. Written statements may be accepted as evidence. If
163 witnesses or the complaining party participate, they shall be subject to cross-examination by
164 members of the Committee.
- 165 B. The Chair shall arrange for the hearing to be recorded. During the hearing, each participant
166 must identify themselves before speaking so that the record may be clearly maintained. SWE
167 may provide a transcription of the hearing, if requested.
- 168 C. The member may be accompanied by another member of their choosing and/or represented by
169 legal counsel, at the member’s sole discretion and expense. Only the member, the member’s
170 selected guest and/or legal counsel, witnesses, the Committee members, and the Committee’s
171 legal counsel will participate in the hearing.
- 172 D. The Chair will call the meeting to order, review the charges against the member, then invite the
173 member to make an oral presentation. This presentation should consist solely of the member’s
174 arguments about why the member should not be sanctioned and may not exceed fifteen
175 minutes in length. Additional specified time may be requested and mutually agreed upon
176 between the member and Chair.
- 177 E. At the conclusion of the member’s oral presentation, any member of the Committee may ask
178 the member questions.
- 179 F. When the Committee has completed its questions, the member may make a final statement,
180 not to exceed fifteen minutes in length, to present any additional arguments why the member
181 should not be disciplined. Additional specified time may be requested and mutually agreed
182 upon between the member and Chair.
- 183 G. After the member has completed their final statement, the Committee will meet in a separate
184 executive session to review the matter and determine whether to sanction the member within
185 seven (7) days of the hearing. Only Committee members and the Committee’s legal counsel may
186 be present during the Committee’s deliberations.
- 187 H. If an individual refuses to cooperate in the process the Committee will proceed with the process
188 without the person’s participation or cooperation.

189 **VIII. Determination of Violation**

- 190 A. Upon completion of its investigation and the hearing, the Committee shall determine by
191 majority vote whether there has been a violation of the Code.

192 1) If the Committee finds that there has been a violation, the Chair shall present a written
193 determination with any proposed sanctions to the President, along with the record of
194 the Committee's investigation and deliberation.

195 2) If the Committee determines that no violation has occurred, the complaint shall be
196 dismissed with prejudice, with written notice provided by the Chair to the SWE
197 President.

198 B. The President may recommend modification to the determination within 30 days.

199 C. Within 7 business days of sending the determination to the President, the Chair shall notify the
200 charged member that a recommendation has been sent to the President and it may take up to
201 30 days for formal communication.

202 D. The President will provide written notice of the Committee's determination and any proposed
203 sanctions will be provided to the charged member and Ethics Committee Chair within 7 days of
204 the President's approval.

205 1) The President may consider a recommendation from the Committee that the member in
206 violation of the Code should be offered the opportunity to submit a written assurance
207 that the conduct in question has been terminated and will not recur.

208 D. The Complainant is to be notified in writing when the complaint is closed; however, no details of
209 the investigation/findings shall be communicated as part of the complaint closure notification.

210 E. All examinations of the record by and deliberations of the Board are to be conducted in strict
211 confidence to the extent possible, except that the President shall be permitted to disclose any
212 relevant information when compelled by law and to seek advice from counsel. All examinations
213 of the record and deliberations of the President shall be conducted objectively, without
214 prejudgment of any kind.

215 IX. Sanctions

216 One or more of the following sanctions may be imposed by the President upon a member whom
217 the President has determined to have violated the Code. The sanction applied must reasonably
218 relate to the nature and severity of the violation, focusing on reformation of the conduct of the
219 affected member and deterrence of the same or similar conduct by others. The sanctions may
220 include but are not limited to:

221 1. Written reprimand to, or censure of, the member, combined with any probationary
222 period, if desired,

223 2. Suspension of the member from membership in SWE, combined with any probationary
224 period, if desired,

225 3. Permanent expulsion of the member from membership in SWE.

226 The probationary period may include the suspension of the ability to be considered as a
227 potential candidate for all SWE leadership roles (Society, local, etc.), attendance at SWE events
228 (WELocal, annual conferences, etc. including virtual and or in person events), participation in
229 electronic communication/social forums, etc.

230 Once one or more of the above sanctions is imposed, the complaint shall be deemed to have
231 been disposed of with prejudice. For each of these sanctions, a written summary of the
232 determination and the sanction, along with the member's name, shall be permanently
233 documented in the member's record at HQ.

234 **X. Resignation**

235 If a member who is the subject of a complaint voluntarily resigns from SWE in writing at any
236 time during the pendency of a complaint under these Procedures, the Committee will decide
237 whether an investigation is still warranted.

238 **XI. Repeat Complaints**

239 Once a complaint has been reviewed by the Ethics Committee, this issue cannot be submitted to
240 the Ethics Committee again for the same occurrence of this issue. The Ethics Committee will
241 take appropriate action for repeat offenses where necessary.

242 **XII. Communication**

243 Documentation on issues reviewed by the Ethics Committee should be kept confidential and
244 maintained in accordance with SWE's document retention policy. Records will be maintained by
245 SWE's CEO once the Ethics Committee completes their assessment. Other than as required
246 under compulsory process of law, no information will be released to anyone outside of those
247 specified as part of the process in Section V. without written consent from the member against
248 whom the complaint is made. In the event the disciplinary files on any member are requested or
249 subpoenaed by any third party, SWE shall promptly notify the member and defer all future
250 actions to legal counsel.

251 As stated above in section VIII Determination of Violation - the Complainant is to be notified in
252 writing when the complaint is closed; however, no details of the investigation/findings shall be
253 communicated as part of the complaint closure notification.

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255 **Document History**

- 256 • Approved by BOD on 1/22/10.
- 257 • Approved by Senate on 1/23/10.
- 258 • Amended by BOD on 6/24/11 with motion B1174 to add Past Society Presidents and other past
259 BOD members to eligibility for committee members.
- 260 • Submitted to Senate leadership for approval on 07/13/11.
- 261 • Approved via S-1203 by Senate 10/15/11.
- 262 • Approved via S-1716 by Senate on 1/28/17.
- 263 • Approved via S-1811 by Senate on 6/27/18.
- 264 • Amended by committee. Created an initiation form for filing a complaint and added reference to
265 website. Approved via S-2401 by Senate on 10/16/23.

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