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

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

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

III. Composition of Ethics Committee

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

IV. Complaints

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

The following is the standard protocol for making a complaint:
1) The first contact shall be the immediate SWE leader for the submitter.

2) If the SWE immediate leader cannot resolve or if the complaint is against the SWE immediate leader, then the complainant should contact the Ethics Committee chair for assistance/guidance.

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

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

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

D. Upon receipt and preliminary review of each complaint,

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

2) The chair may deem on a preliminary basis that the complaint is to be a potentially actionable complaint. The Chair shall see that written notice is provided to the member(s) whose conduct has been called into question, advising the member that an
investigation is being initiated. The Chair also shall notify the individual who submitted the complaint that the complaint is being reviewed by the Committee.

V. Review of Complaint

A. For each complaint involving an alleged violation of the Code that the Chair believes is potentially actionable,

1) the Chair shall authorize an investigation into its specific facts or circumstances, to whatever extent is necessary, to clarify, expand or corroborate the information provided by its submitter, and to assist the Committee in deciding as to whether charges (and, if so, what charges) against the member should be brought.

2) The Committee may be assisted in the conduct of its investigation by SWE staff, legal counsel, outside experts, or members with subject matter expertise, provided that no such staff person, legal counsel, member, or outside expert has any conflict of interest with respect to the matter and provided such individuals agree to maintain the complete confidentiality of the investigation.

3) Both the individual submitting the complaint and the member who is the subject of the charge may also be contacted by the Committee or its agents for additional information with respect to the complaint.

4) In addition, the Committee or its agents may contact other individuals who may have knowledge of the facts and circumstances surrounding the complaint.

B. The Committee shall then determine whether the complaint warrants the bringing of charges under these Procedures against the member who is the subject of the complaint.

C. If the Committee concludes that charges should be brought, it shall prepare written charges and a written report explaining the alleged aggrieved conduct and why such conduct constitutes grounds for disciplinary action under the Procedures.

D. If the Committee concludes that no charges should be brought, it shall dismiss the charges without prejudice and so notify the member in writing.

E. All such dispositions of complaints shall be immediately reported in writing to all members of the Committee, with a copy to the SWE President and to SWE’s CEO.

F. Whether or not charges are brought, for all complaints the Committee should determine whether the matter should be referred to a law enforcement agency on behalf of SWE, and, if so, should promptly do so.
VI. Charges

A. If the Committee recommends that charges be brought, the Chair shall draft a report summarizing the investigation and enumerating the committee’s recommendations. The Chair shall submit this report to the President.

B. Upon approval of the President to proceed with charges, the Chair shall notify the member to be charged and send the member a copy of the charges and the Committee's report via verified electronic signature system. The Chair shall advise the member that an investigation has been conducted and that a hearing will be held, providing the member with the proposed date and time (no less than 30 days from receipt of the notice) for such hearing as well as the identities of the participating Committee members.

   a. Any hearing held must be accessible remotely by a mutually agreed-upon technology.

   b. At least 2 committee members and the Chair (or designee) must participate in the hearing. Those participating in the hearing shall ensure that they do not have a conflict of interest.

C. The member shall be advised that they have the opportunity to submit information or arguments contesting the charge in writing, by submitting such a request to the Committee within thirty days from receipt of the notice. The member also shall be advised that they have the right to review evidence to be presented at the hearing and that they can be represented by legal counsel (at their own expense).

   a. Within seven calendar days of receipt of the notice of hearing, the member that is the subject of the complaint must acknowledge the hearing date or may request an alternative date or time for the hearing. The Committee should make reasonable efforts to accommodate such a request. The Committee shall not be obliged, however, to grant the member’s requests and ordinarily, only one request for a postponement or alternative date or time will be entertained. If the member elects to provide witnesses, the list of witnesses shall be provided at least one week before the hearing.

D. All investigations and deliberations of the Committee are to be conducted in strict confidence to the extent possible, except that the Committee shall be permitted to disclose any relevant information when compelled by law or to parties essential to the review and investigation of the alleged misconduct. All investigations and deliberations of the Committee shall be conducted objectively, without prejudgment of any kind. An investigation may be directed toward any aspect of a complaint that is relevant or potentially relevant.
VII. Hearing

A. The Chair shall preside over the hearing and make evidentiary and other procedural rulings with the advice of SWE’s general counsel. Written statements may be accepted as evidence. If witnesses or the complaining party participate, they shall be subject to cross-examination by members of the Committee.

B. The Chair shall arrange for the hearing to be recorded. During the hearing, each participant must identify themselves before speaking so that the record may be clearly maintained. SWE may provide a transcription of the hearing, if requested.

C. The member may be accompanied by another member of their choosing and/or represented by legal counsel, at the member’s sole discretion and expense. Only the member, the member’s selected guest and/or legal counsel, witnesses, the Committee members, and the Committee’s legal counsel will participate in the hearing.

D. The Chair will call the meeting to order, review the charges against the member, then invite the member to make an oral presentation. This presentation should consist solely of the member’s arguments about why the member should not be sanctioned and may not exceed fifteen minutes in length. Additional specified time may be requested and mutually agreed upon between the member and Chair.

E. At the conclusion of the member’s oral presentation, any member of the Committee may ask the member questions.

F. When the Committee has completed its questions, the member may make a final statement, not to exceed fifteen minutes in length, to present any additional arguments why the member should not be disciplined. Additional specified time may be requested and mutually agreed upon between the member and Chair.

G. After the member has completed their final statement, the Committee will meet in a separate executive session to review the matter and determine whether to sanction the member within seven (7) days of the hearing. Only Committee members and the Committee’s legal counsel may be present during the Committee’s deliberations.

H. If an individual refuses to cooperate in the process the Committee will proceed with the process without the person’s participation or cooperation.

VIII. Determination of Violation

A. Upon completion of its investigation and the hearing, the Committee shall determine by majority vote whether there has been a violation of the Code.
1) If the Committee finds that there has been a violation, the Chair shall present a written determination with any proposed sanctions to the President, along with the record of the Committee's investigation and deliberation.

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

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

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

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

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

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

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

IX. Sanctions

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

1. Written reprimand to, or censure of, the member, combined with any probationary period, if desired,
2. Suspension of the member from membership in SWE, combined with any probationary period, if desired,

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

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

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

X. Resignation

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

XI. Repeat Complaints

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

XII. Communication

Documentation on issues reviewed by the Ethics Committee should be kept confidential and maintained in accordance with SWE’s document retention policy. Records will be maintained by SWE’s CEO once the Ethics Committee completes their assessment. Other than as required under compulsory process of law, no information will be released to anyone outside of those specified as part of the process in Section V. without written consent from the member against whom the complaint is made. In the event the disciplinary files on any member are requested or subpoenaed by any third party, SWE shall promptly notify the member and defer all future actions to legal counsel.
As stated above in section VIII Determination of Violation - the Complainant is to be notified in
writing when the complaint is closed; however, no details of the investigation/findings shall be
communicated as part of the complaint closure notification.

Document History

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