

**AMERICAN COUNCIL OF ENGINEERING COMPANIES OF MASSACHUSETTS
RULES OF POLICY AND PROCEDURE**

I. PURPOSE

- (a) These Rules of Policy and Procedure supplement the Bylaws and Articles of Incorporation of the American Council of Engineering Companies of Massachusetts (ACEC/MA), incorporating internal operation procedures and policies adopted by the Board of Directors. Modifications or supplements to the Rules of Policy and Procedure shall be adopted, published and distributed as necessary to fulfill the purpose of and manage the affairs of the Council.

II. PROFESSIONAL AND ETHICAL CONDUCT GUIDELINES

- (a) The American Council of Engineering Companies of Massachusetts has adopted the Professional and Ethical Conduct Guidelines of the American Council of Engineering Companies as a guide in the performance of their professional duties.

III. DISCIPLINARY PROCEDURES

(a) Purpose

These procedures shall apply to all disciplinary proceedings instituted against member firms of the American Council of Engineering Companies of Massachusetts charged with violations of the Professional and Ethical Conduct Guidelines of the Council, under the conditions set forth in the Bylaws and supplemented herein.

(b) Disciplinary Proceedings

(1) Confidential Nature/Conflicts

All disciplinary proceedings shall be held confidential until final action has been taken. Any member having an interest or conflict with parties or issues in question shall recuse themselves from judging the matter.

(2) Acceptance by Member Firms

Member Firms and applicants for membership shall be required to file with the Council a statement signed by a principal of the firm stating:

- a. That they have read the Professional and Ethical Conduct Guidelines, and
- b. That they agree to abide by the provisions thereof, and
- c. That the payment of annual dues will be reaffirmation of this agreement, and
- d. That they understand that the Council has legitimate interest in ensuring that the high standards of ethics of the profession shall be maintained and that they agree that they shall not bring suit against the council, nor any component, committee, officer or employee thereof, with respect to any statement made or any action taken in connection with the enforcement of the professional and Ethical Conduct Guidelines.

(3) Basis for Disciplinary Proceedings

Disciplinary proceedings shall be instituted if a member firm:

- a. Violates the Professional and Ethical Conduct Guidelines, or
- b. Commits any act bringing discredit to the profession or admits or is found by a court of law to have committed any fraud or other crime involving

moral turpitude reflecting on the business practice of consulting engineering.

(4) Committee to Make Inquiry

In case of a complaint under the Basis of Disciplinary Proceedings, as outlined in Paragraph III (b) 3 above, is made by any firm (member or nonmember of ACEC/MA), organization or individual, against any member firm of ACEC/MA, or should the Executive Committee or Board of Directors of ACEC/MA recommend an investigation into member firm's actions which they think may have violated the Basis of Disciplinary Proceedings, the Ethics Committee shall hear all such complaints.

All such complaints of violation or recommendations for an investigation (by the Executive Committee or Board of Directors) shall be in writing documenting such alleged violations and presented to the Ethics Committee.

The Ethics Committee may initiate inquiry on its own motion. Prior to initiating a formal inquiry, the Ethics Committee shall provide appropriate notification to the member firm that disciplinary proceedings are being considered.

The Ethics Committee shall make such investigations as it deems appropriate. No action shall be taken unless the member firm being investigated has been given an opportunity to present information to the Ethics Committee. The Ethics Committee may, by two-thirds vote of its members present, recommend that disciplinary action be taken. If the Ethics Committee recommends that disciplinary action should be taken, a complete and detailed statement of charges shall be reported to the Executive Committee.

(5) Hearing

Charges presented by the Ethics Committee shall be promptly referred to the Executive Committee which shall schedule a hearing for the charges to be heard.

(6) Notice of Hearings

The Executive Committee shall promptly set the time and place for a hearing. At least 30 days before the hearing, the Executive Director of the Council shall mail to the charged member firm, a notice of the time and place of the hearing and a statement of the charges. This notice shall be deemed properly served when forwarded by registered mail to the charged member firm at its address of record.

(7) Conduct of Hearings

The hearing shall be conducted by the Executive Committee in such manner as it may determine. The Ethics Committee shall present the charges and evidence in support thereof. The technical rules of evidence followed in courts of law need not to be followed, but the rights of the accused shall at all times be protected. A written record of the proceedings shall be kept. The charged member firm may present such information, statements and evidence as it deems appropriate. Failure to appear or to offer information, evidence or

statements shall not affect the propriety of the hearing. The charged member firm may be accompanied or represented by Counsel.

The Ethics Committee may present charges and evidence through legal counsel designated by the Executive Committee.

The Ethics Committee and the member firm charged shall, before the hearing, have the right to obtain from each other, discovery of documents and other material and they shall each have the right to cross-examine the witnesses during the hearing.

(8) Action by Executive Committee

Following the completion of the hearing, the Executive Committee may, by two-thirds vote of its full membership, take any of the following actions:

- a. Dismissal of Charges or Dismissal of Charges with recommendation.
- b. Censure
- c. Require instigation by the charged member firm, of appropriate disciplinary action against its individual principles, officers, or employees. (This action must be accompanied by action b, d or e, one of which would be invoked should the member firm fail to comply with action c). Disciplinary action initiated by the charged member firm, meeting the approval of the Executive Committee, may result in the dismissal of charges against the member firm.
- d. Suspension of membership for a specified period of time, not less than two years nor more than five years. Upon completion of the suspension, the member firm may apply for membership in accordance with the provisions set forth in the Bylaws for membership.
- e. Recommendation of termination of membership.
A recommendation for termination of membership must be referred by the Executive Committee to the Board of Directors for final disposition. The Executive Committee may not re-institute any charges dismissed by the Ethics Committee. The Executive Director of the Council shall promptly notify the charged member firm by registered mail of the final disposition of all charges.

Failure of the Executive Committee, or in the case of termination of membership, the Board of Directors, to reach a two-thirds vote of members present, shall result in dismissal of the charges against the member firm.

The charged member firm shall have the right to appeal any decision by the Executive Committee within (30) days of receipt of such decision. Such appeal shall be addressed by the charged member firm to the Executive Director of the Council and shall be accompanied by a detailed and specific statement of objection to the decision and reasons justifying reconsideration.

All such appeals shall be considered by the Board of Directors and shall be acted on promptly, following the same procedures as apply to the initial review process.

(9) Action by the Board of Directors

Recommendations for termination of membership of a charged member firm shall be submitted to the Board of Directors for action. The charged member firm shall be entitled to a hearing before the Board of Directors. The notice and conduct of the hearing shall be as set forth in paragraphs (6) and (7). A two-thirds vote of the members of the Board of Directors present shall be required to approve a recommendation for termination of membership of a charged member firm. Action by the Board of Directors shall be final. The Executive Director of the Council shall promptly notify the charged member firm by registered mail of the decision of the Board of Directors.

- (10) Referral to American Council of Engineering Companies
The Board of Directors may request that the appropriate Committees of the American Council of Engineering Companies (ACEC) assume jurisdiction in a case of an alleged unethical or illegal violation involving action outside of ACEC/MA or involving alleged violations by members of ACEC who are not members of ACEC/MA or when the Board of Directors determines that action by ACEC would be appropriate. The member firm charged shall be notified by registered mail of this decision by the Board of Directors.

IV. ADOPTION OF PROCEDURE

- (a) This Disciplinary Procedure was adopted by the ACEC/NE Board of Directors, September 27, 1995.
(b) This Disciplinary Procedure was revised to reflect the ACEC/MA name change on September 1, 1998.