

POLICIES AND PROCEDURES

POLICY NUMBER: 05-01
SUBJECT: **TCP Code of Professional Ethics**
EFFECTIVE DATE: January 15, 2005
REVISION DATE:
SUPERSEDES:
APPROVED BY: CWEA Board of Directors; January 15, 2005

Introduction:

This Code of Ethics has been adopted by the California Water Environment Association to promote and maintain the highest standards of professional water quality service and conduct by its certificate-holders and applicants for certification. Adherence to these standards is expected from all certificate-holders and applicants, and serves to ensure public confidence in the integrity and service of professional water quality workers while performing their duties.

Pledge:

As a certificate-holder of, or applicant for certification to, the California Water Environment Association or any organization utilizing CWEA certification services, I pledge myself to the following:

Certification Program Ethics

1. I will represent myself truthfully and honestly throughout the entire certification process.
2. I will acquire and maintain professional competence.
3. I will adhere to all test site rules and make no attempt to complete the test dishonestly or to assist any other person in doing so.
4. I will not engage in activities that may jeopardize the integrity of the Technical Certification Program.
5. I will keep my certificate(s) valid by paying renewal fees and completing the required continuing education within the time parameters established by the Technical Certification Program until such time that I no longer need a valid certification.
6. I agree that only CWEA has the authority to interpret and apply the ethics code.
7. I will not challenge CWEA review findings in any other administrative or legal forum..

On-The-Job Ethics

1. I will perform my job safely, effectively, and within reasonable standards held by the profession.
2. I will understand and follow existing laws pertaining to my professional work and I will perform my job in compliance with all federal state and local laws.
3. I will avoid harm to myself, my co-workers, the public, property, and the environment by working safely and complying with all applicable regulations.
4. I will honor contracts, agreements, and assigned responsibilities in connection with the performance of my job.
6. I will use every opportunity to improve public understanding of the wastewater industry and the role of water quality experts.

I understand and agree that, by my continuing certification and/or application for certification by CWEA, I am bound by this Code of Professional Ethics and by the Ethics Case Procedures (the "Procedures"). I hereby confirm that I understand and agree that if it is determined by CWEA that I

have failed to comply with the above Pledge in any respect, I will be subject to appropriate remedial action pursuant to the Procedures.

Date: _____

Signature of Applicant/Certificate Holder

Printed Name of Applicant/Certificate Holder

Ethics Procedures

A. GENERAL

1. Participants

- i. Ethics Officer
The Ethics officer is responsible for the fair and unbiased processing of ethics complaints and coordinating ethics procedures. The Ethics Officer cannot initiate ethics complaints. The Chair of the Membership and External Relationships Board Committee shall serve as the Ethics Officer.
- ii. Ethics Hearing Committee
The Executive Committee of the Technical Certification Program shall serve as the Ethics Hearing Committee. The highest ranking officer of the Technical Certification Program Executive Committee shall serve as the Chair of the Ethics Hearing Committee.
- iii. Ethics Appeals Committee
The Executive Committee of the Board of Directors shall serve as the Ethics Appeals Committee. The highest ranking officer of Executive Committee shall serve as the Chair of the Ethics Appeals Committee.
- iv. Certificate Applicant
An individual who has initiated the process of becoming certified by CWEA
- v. Certificate Holder
An individual who holds, or has held, a valid CWEA Certificate of Competence.
- vi. Respondent
A CWEA certificate applicant or certificate holder who is the subject of an ethics charge or investigation under these procedures.
- vii. Complainant
The party(s) initiating a complaint under these Ethics Procedures against a CWEA certificate holder or applicant. CWEA, any person, or any group may initiate a charge or complaint under these Ethics Procedures and act as the Complainant.

2. Nature of the Process

CWEA Ethics Procedures are the sole and exclusive means to resolve any charges, complaints, or inquiries brought or arising under the CWEA Certification Code of Professional Ethics . CWEA has the exclusive authority to process, handle, resolve, and dismiss any Code of Ethics inquiry or case, regardless of circumstances. By applying for CWEA certification or recertification, certificate holders and applicants agree that they will not challenge the authority of CWEA to interpret and apply the Code of Professional Ethics or the Ethics Procedures, and will not challenge in any other forum the

results of any CWEA action taken under these policies. The Ethics Procedures are not formal legal proceedings, so there is no obligation to observe formal legal rules and practices.

CWEA Ethics Procedures are designed to operate without the assistance of attorneys. Any party may choose to be represented by an attorney with respect to these Ethics Procedures, however, if a party has retained an attorney, that party and attorney may be directed to communicate with CWEA only through CWEA Legal Counsel. The parties are encouraged to communicate directly with CWEA.

3. Complainants/Ethics Charge Statement

To initiate a charge, each Complainant must submit to the CWEA Ethics Officer an Ethics Charge Statement containing a detailed written description of the factual allegations supporting the charge or complaint under these Ethics Procedures.

4. Time Guidelines

CWEA will make every effort to follow the time guidelines set forth in these Ethics Procedures. However, CWEA's failure to meet any of the timing guidelines will not preclude or otherwise affect the final resolution of any ethics matter. Complainants and respondents, however, are required to comply with all time guidelines specified in these Ethics Procedures. Time extensions or postponements may be granted by CWEA if a timely written request explains a cause deemed by CWEA to be reasonable.

6. Litigation/Other Proceedings

CWEA may accept and resolve complaints under these Ethics Procedures even when civil, or criminal litigation, or other proceedings related to a complaint are also before a court, regulatory agency or professional body. In its sole discretion, CWEA may also continue or delay the processing of ethics complaints in such cases.

7. Complaints Concerning Non-Certificate Holders or Applicants

In the event that CWEA receives an Ethics Charge Statement concerning an individual who does not hold any CWEA certification or who is not a CWEA certification applicant, a representative of CWEA will so inform the complaining party in writing, and may refer the party to an appropriate authority.

8. Improper Disclosure/False or Misleading Responses

Any failure to disclose pertinent information as requested/required, or provision of misleading or false information, by a CWEA certificate holder or applicant, with respect to an ethics charge brought under these Ethics Procedures may constitute a violation of the Code of Ethics.

9. Time Limitations Concerning Complaints

CWEA may consider any ethics complaint brought under these Procedures, regardless of: (a) Whether the respondent held a CWEA certificate at the time of the alleged violation; (b) When the alleged violation occurred; or (c) Whether the respondent continues to hold or seek a CWEA certificate during the course of any ethics case. That is to say, there is no statute of limitations barring CWEA from considering any ethics complaint.

10. Confidentiality

In order to protect the privacy of parties to an ethics case, all material prepared by or submitted to CWEA in connection with an ethics case will be confidential. An exception will be made if a release of information or documents is authorized by these rules, or ordered by law, or by legal process.

11. Failure to Cooperate

If any party to an ethics complaint refuses to fully cooperate or participate with CWEA or its representatives, and it is determined by CWEA that the lack of cooperation was without good cause, CWEA may take the following actions: (a) The CWEA Ethics Hearing Committee or any representative designated by the CWEA Executive Committee may terminate the ethics complaint of an uncooperative Complainant; and (b) If a Respondent is uncooperative, CWEA may impose any appropriate sanction included within these rules.

12. Relinquishing CWEA Certification

Should a Respondent attempt to relinquish CWEA certification or withdraw an application during the course of any ethics inquiry or case, CWEA reserves the right to continue the matter to a final resolution according to these rules.

B. ETHICS INQUIRIES/ETHICS CHARGE STATEMENTS

1. Ethics Inquiries

Any party seeking to file a complaint concerning a CWEA certificate holder or applicant should contact the CWEA Ethics Officer. The Ethics Officer will forward to the Complainant a copy of the CWEA Code of Professional Ethics, the Ethics Case Procedures and the form entitled "Ethics Charge Statement." The Ethics Officer will record in confidence all ethics inquiries and identify: the party(s) making the inquiry; the CWEA certificate holder or applicant in question; the State from which the inquiry originates; and the nature of the alleged problem. This case log will remain confidential, available only to authorized representatives of CWEA.

2. Ethics Charge Statement/Description of Charges

An Ethics Charge Statement is a written communication from a Complainant describing an allegation(s) against a CWEA certificate holder or applicant. Public documents such as newspaper stories, court verdicts or agency decisions may be considered as Statements. When an Ethics Charge Statement is received by CWEA, the CWEA Ethics Officer will: (a) Review the material received (b) Review the allegations made concerning the charge(s); (c) Determine whether the charge(s) are presented in sufficient detail to cause CWEA to conduct a preliminary investigation; and, if necessary, (d) Contact the Complainant and request additional factual material. The CWEA Ethics Officer will send a letter by registered mail to the Complainant and Respondent stating whether the charges submitted are cause for the conduct of a formal ethics investigation or rejection.

C. ACCEPTANCE/REJECTION OF ETHICS CHARGES

1. Charge Acceptance

The CWEA Ethics Officer will review each charge contained in an Ethics Charge Statement submitted by a Complainant and determine whether it will warrant filing of a formal Ethics Complaint and subsequent Investigation. The following criteria are among those considered to determine if a charge is accepted or rejected: (a) Whether the respondent is a CWEA certificate holder or applicant; (b) Whether a substantiated charge would constitute a violation of the Certification Code of Professional Ethics; (c) Whether the amount of time passed since the alleged violation suggests that the complaint be rejected as stale; (d) Whether relevant, reliable information or grounds concerning the charge is available or may be obtained; (e) Whether the Complainant is willing to provide testimony or other evidence to CWEA concerning the complaint; and (f) Whether the charge appears to be justified or unjustified, considering the information available to, or obtainable by, CWEA.

The CWEA Ethics Officer will determine whether the charge and available information support a formal Ethics Complaint. If so, the Officer will issue a formal Ethics Complaint and Investigation Notice within 30 calendar days.

2. Charge Rejection

If the CWEA Ethics Officer determines that an allegation is insufficient to issue a formal Ethics Complaint, the charge will be rejected. The CWEA Ethics Officer will notify the Complainant and Respondent of the rejection, as well as the reason(s) for the rejection. This notification will be made by letter within approximately seven (7) business days of the determination.

3. Appeal of Charge Rejection Determination

Within thirty (30) days of the issuance date of a charge rejection letter, the Complainant may appeal to the Ethics Hearing Committee. In order to have the Ethics Hearing Committee reconsider the rejection, a Complainant must state in writing the following: (a) The basis for the appeal (i.e., procedural or substantive); (b) The specific provisions of the Code of Ethics believed violated; and (c) The specific facts that support the acceptance of the charge.

The Ethics Hearing Committee will consider and rule on any charge rejection appeal at the next scheduled Committee meeting and will give notice of its decision by registered mail. The Committee's decision is final and shall not be subject to further appeal.

D. MEDIATION BY CWEA STAFF

1. Cases Appropriate for Mediation

The CWEA Ethics Officer or, in his or her absence or when a conflict of interest occurs, the Executive Director will receive all charges, complaints, and Ethics Charge Statements under these Procedures. The CWEA Ethics Officer or Executive Director will consider the seriousness of the allegation(s), the Respondent's and/or Complainant's background, prior conduct, and any other pertinent information, and make a decision concerning the likelihood that the matter can be resolved fairly and efficiently through mediation. Ethics cases concerning charges issued by a regulatory agency or professional body, and those involving criminal or civil litigation, are not appropriate for mediation.

2. Mediation Determination

Should the CWEA Ethics Officer or, in his or her absence or when a conflict of interest occurs, the Executive Director determine that a particular ethics matter is appropriate for mediation, and provided the Complainant and Respondent agree to mediation through a the CWEA Ethics Officer or, in his or her absence or when a conflict of interest occurs, the Executive Director, or other third party also agreed upon by CWEA, the mediator will attempt to resolve the dispute to a fair and just conclusion.

3. Successful Mediation

The CWEA Ethics Officer or Executive Director will prepare a report summarizing the terms of each mediated resolution of an ethics case and forward it to the Technical Certification Executive Committee or CWEA Ethics Appeals Committee. The reviewing Committee will have the final authority either to accept as final, or to reject, the mediated resolution.

4. Unsuccessful Mediation

In the event of unsuccessful mediation, or if the reviewing Committee rejects the mediated resolution, the CWEA Ethics Officer or, in his or her absence or when a conflict of interest occurs, the Executive Director will refer the case for resolution by other methods consistent with these procedures.

E. ETHICS COMPLAINTS AND INVESTIGATION

1. Ethics Complaint and Investigation Notices

After an ethics charge is accepted, the CWEA Ethics Officer will issue a formal Ethics Complaint and Investigation Notice identifying each Code of Ethics violation alleged and the alleged factual basis for each. This Notice will be delivered to the Respondent, at his/her last known address(es) by registered mail and will be marked, "Confidential." If the Respondent or Complainant does not request a Hearing, the complaint will be resolved by the Ethics Officer, according to these Procedures.

F. ETHICS COMPLAINT RESPONSE

1. Submitting an Ethics Complaint Response

Within thirty (30) days of the notice date of an Ethics Complaint and Investigation Notice, the Respondent may submit an Ethics Complaint Response according to the instructions in the Notice. The Ethics Complaint Response, if any is submitted, must include the following: (a) A full response to each charge contained in the complaint; (b) The identification, and a copy, of each document that the Respondent believes to be relevant to the resolution of the Ethics Complaint; and (c) Any other information that the Respondent believes will assist CWEA in fairly considering the Ethics Complaint.

2. Response Deficiencies

The Ethics Officer or the Ethics Hearing Committee may require the respondent to supplement or expand a response.

G. PRELIMINARY ACTIONS AND ORDERS

1. Voluntary Temporary Suspension of Certification

At any time following the issuance and filing of an Ethics Complaint, the Respondent may be asked to agree to a temporary suspension of CWEA certification pending the final resolution of the Complaint. If the Respondent accepts this request, the certificate holder will agree to and sign a Voluntary Suspension Agreement. This Agreement will state the temporary suspension and that the Respondent voluntarily ceases from representing himself or herself as certified by CWEA until further notice. The Respondent will return any certifications to CWEA to be held until the suspension, or other disciplinary action, has ended.

2. Involuntary Suspension of Certification

If a respondent fails to agree to and sign a Voluntary Suspension Agreement, pursuant to Section G.1, above, the Ethics Officer may issue an Order suspending the Respondent's certification(s) during the investigation/resolution, of the pending of the Ethics Complaint. This temporary Suspension Order will stay in effect until the final resolution of the Complaint, or other such date as the Officer deems appropriate under the circumstances.

3. Circumstances of Involuntary Suspension Orders

An Order suspending current certification may be appropriate where: (a) The Respondent has been convicted of a criminal or quasi-criminal act relevant to the safe and effective practices of the essential duties of the vocation; or the Respondent has not contested a criminal indictment under any statute, law or rule; (b) The Respondent has been indicted or similarly charged with any criminal act or violation of a vocation related criminal law under statute, law or rule; (c) The Respondent has been found by a professional regulatory body to be in violation of any law, regulation or rule, or has been sanctioned or disciplined by such a regulatory body; (d) The Respondent is the subject of a

formal complaint or similar charge and/or investigation by a professional regulatory body; (e) The Respondent has been found in violation of an ethics code of a professional association or certifying body; (f) The Respondent is the subject of a formal complaint or similar charge and investigation by a professional association or certifying body concerning ethics or disciplinary matters, or (g) the Respondent is the subject of litigation or a petition relating to their job.

H. FINAL RESOLUTION OF COMPLAINTS BY ETHICS OFFICER

1. Ethics Officer Resolution of Complaints

In the event that the Respondent does not request a Hearing before the Ethics Hearing Committee, the Ethics Officer will consider the matter under these Procedures, resolve the ethics complaint, and issue a Final Decision and Order.

2. Final Resolution/Decision and Order

The final resolution, Decision and Order of the Ethics Officer is binding on the parties, but may be appealed to the Ethics Hearing Committee, the CWEA Ethics Appeals Committee, or other parties appointed by the Ethics Appeals Committee consistent with the requirements of these Procedures.

I. ETHICS COMPLAINT HEARINGS – ETHICS HEARING COMMITTEE

1. Ethics Hearing Committee

The Technical Certification Program Executive Committee shall serve as the Ethics Hearing Committee. The Chair or Vice-Chair will preside over and conduct each Ethics Complaint Hearing, with at least two (2) Ethics Hearing Committee members, and the Ethics Officer or CWEA Executive Director. In the event that the Respondent requests a Hearing, the Ethics Hearing Committee will conduct an Ethics Complaint Hearing designed to collect and weigh all of the available information and evidence relevant to the particular Complaint. Unless a case has been initially reviewed by the Ethics Officer under the Procedures, the Ethics Hearing Committee will be the initial decision-making body to determine whether violations of the Code of Ethics or these Procedures have occurred. The Ethics Hearing Committee will have full authority and responsibility to convene, preside over, continue and conclude an Ethics Hearing.

2. Hearing Schedule and Location

The Hearing date for each ethics case will be scheduled by the Ethics Officer, in consultation with the Chair of the Ethics Hearing Committee. Each Hearing will be held at a site determined by the Ethics Officer and/or Ethics Hearing Committee Chair and, if practical, held no less than sixty (60) days and no more than one hundred twenty (120) days from the receipt of an Ethics Charge Statement by CWEA. Hearings will not be held prior to the date permitted in these rules for the Respondent to submit a Response.

3. Hearing Notice and Attendance

The Ethics Officer will schedule the hearing and notify the Respondent and Complainant in writing via registered mail. Each party will be required to indicate the following at least seven (7) calendar days before the hearing: (a) Whether the party intends to appear at and participate in the hearing in person; (b) Whether the party intends to participate in the hearing via telephone; if so, the telephone number where the party is to be reached during the hearing; (c) Whether the party intends to appear at the hearing with an attorney or other representative; if so, the name, address and telephone number of such attorney or representative; (d) Whether the party intends to present witnesses at the hearing; if so, the name, address and telephone number of each witness and a brief summary of the content of the witness' proposed testimony; and (e) Whether the party intends to present or offer any documentary information or other written proof during the course of the hearing that has not been

previously considered by CWEA. If such documentary information is offered, the party must provide to the Ethics Officer a copy of each document and a brief description of the document's relevance at least seven (7) calendar days before the hearing. Any Ethics Hearing may proceed to a conclusion and decision whether or not the parties are present.

4. Postponement of Hearing

A Respondent or Complainant may request a hearing postponement. This request must be made in writing and received by CWEA at least ten (10) days prior to the Hearing date, except in cases of emergency, when such a request must be made as soon as possible after the need for a postponement arises. The Ethics Hearing Committee Chair, CWEA Executive Director, or the Ethics Officer may grant a postponement. Postponement decisions cannot be appealed.

5. Participation of CWEA Legal Counsel

Should CWEA Legal Counsel be present at an ethics case hearing, Legal Counsel shall have the privilege of the floor and may conduct the hearing with the Ethics Hearing Committee. Legal or other representatives of the parties do not have such privilege, although such parties and representatives will be provided a fair opportunity to present relevant evidence and argument. .

6. Additional Responsibilities and Rights of the Parties

In addition to other responsibilities and rights of the parties as set forth in these Procedures, the Respondent and the Complainant may do or may be required to do the following: (a) Attend the hearing and be present during the testimony of all witnesses; (b) Present witnesses, written information and argument on their behalf; (c) Review or inspect all oral or written information presented prior to Hearing in the case ; and (d) Comply with all orders or directives issued by the CWEA with respect to the Ethics Charge, including those of the Ethics Officer and the Ethics Hearing Committee.

7. Witnesses

All witnesses will be excluded from the hearing room except during the presentation of their testimony. The Ethics Hearing Committee Chair or Vice-Chair will rule on any request to the contrary, and the ruling will not be subject to appeal.

8. Confidentiality/Inclusion of Other Persons

All hearings are confidential and private. No observers are permitted without special permission. For good cause or special circumstances, a party may request the presence of an observer in the hearing room during all or part of a hearing. The Ethics Hearing Committee or the Ethics Hearing Committee Chair will rule on these requests, and the ruling cannot be appealed.

9. Information and Exhibit submittal

The Ethics Hearing Committee will receive and consider all information or exhibits that appear to the Committee to be relevant to the ethics complaint at issue, including any information which may be helpful to a complete understanding of the case. The Ethics Hearing Committee may consider information, for example, concerning relevant prior conduct. Objections relating to relevance of information and similar evidentiary issues will be decided by the Ethics Hearing Committee or the Ethics Hearing Committee Chair, and these decisions cannot be appealed.

10. Record of the Hearing

A taped, written or summary record of the Hearing will be made by the Ethics Hearing Committee, CWEA staff, or a stenographer/recorder; however, no taped, video, or other electronic recording of the Hearing will be permitted, unless specifically authorized by the Ethics Officer or the Ethics

Hearing Committee Chair. Off-the-record conversation may be requested by parties and will not be part of the hearing record.

11. Hearing Expenses

Parties will be responsible for their expenses associated with the case. Should a party request written minutes or recorded copy of the hearing, a reasonable fee will be assessed for preparation of the requested materials. CWEA bears the cost of the hearings and investigations, which are performed by CWEA representatives.

12. Closing of the Hearing Record

The hearing record, if any, will be closed following the conclusion of the hearing, unless otherwise directed by CWEA. Any party, including the Ethics Hearing Committee Chair, may request that the record remain open for thirty (30) days for the purpose of receiving additional documentary information and evidence. The Ethics Hearing Committee Chair may deny any such request to keep the record open, and such decisions cannot be appealed.

J. ETHICS OFFICER/ ETHICS HEARING COMMITTEE DECISIONS AND ORDERS

1. Decision and Order

A Decision and Order will be prepared by either the Ethics Officer or the Ethics Hearing Committee within thirty (30) days of the closing of the record, or as soon thereafter as practical.

2. Contents of the Ethics Officer/ Ethics Hearing Committee Decision

The following information will be included in the Ethics Case Decision: (a) A summary of the case, including the positions of the parties; (b) A summary of all relevant factual findings based on the record; (c) A final ruling on each Code of Ethics violation charged and the reason(s) therefore; (d) A statement of any disciplinary action(s) and/or sanction(s) issued; and (e) Any other material that the Ethics Officer or Ethics Hearing Committee determines to be appropriate.

3. Contents of the Ethics Officer/ Ethics Hearing Committee Disciplinary Order

In addition to the Case Decision, the Officer or Committee may issue an Order following hearing. The Order may include any of the following items: (a) An order directing the Respondent to cease and desist from any behavior or acts found to be in violation of the Code of Ethics; (b) A statement of the disciplinary action(s) imposed and mandate directing the Respondent to comply immediately with these disciplinary action(s); and (c) Any other appropriate directive consistent with the Decision.

K. DISCIPLINARY ACTIONS, REFERRALS, NOTIFICATIONS, AND SANCTIONS

1. Disciplinary Actions

When a Respondent certificate holder or applicant has been found to have violated one or more provisions of the Code of Ethics, CWEA may issue and order one or more of the following disciplinary and remedial actions: (a) A recommendation to the CWEA Ethics Appeals Committee and the Executive Director that the CWEA certificate holder or applicant be ineligible for recertification or certification, and that any reapplication of the Respondent for CWEA certification be denied for a period of not less than six (6) months and not more than five (5) years; (b) A requirement that the Respondent take corrective action; (c) A private reprimand and censure of the Respondent concerning Code of Ethics violations; (d) A public reprimand and censure of the Respondent concerning the Code of Ethics violations; (e) The imposition of a term of certification probation for any period up to three (3) years, which may include conditions on the Respondent's conduct during that period, such as the condition that the Respondent be monitored with respect to

professional activities; (f) The suspension for a period of not less than six (6) months and not more than five (5) years of any CWEA certification held by the Respondent, which shall include the requirement that the Respondent return to CWEA all original or copied credential materials for the suspension period, and immediately stop any professional identification or affiliation with CWEA during the suspension period; and (g) The revocation of any CWEA certification held by the Respondent, which shall include the requirement that the Respondent return to CWEA all original or copied certification materials, and to immediately stop any and all professional identification or affiliation with CWEA.

2. Referral and Notification Action

CWEA may notify appropriate governmental entities professional bodies, and/or the employer of the Respondent of any final disciplinary action taken against a Respondent by sending a copy of the ethics case Decision and Order issued. Such notification may be sent by CWEA at any point after the time period for the Respondent to appeal an adverse decision has lapsed..

3. Publication of Disciplinary Action

CWEA may publish a notification, or the content, of a final ethics Decision and Order following the issuance of an adverse Ethics Decision or ruling. Any party may request publication of any ethics decision under these Procedures.

L. ETHICS CASE PROCEDURES/CWEA ETHICS APPEALS COMMITTEE

1. Ethics Appeals Committee

The CWEA Board of Directors Executive Committee shall serve as the Ethics Appeals Committee, which shall be responsible for resolving all timely appeals concerning decisions of the Ethics Officer and/or the Ethics Hearing Committee. The Chair of the CWEA Ethics Appeals Committee will preside over and conduct each ethics appeal, consistent with these procedures.

2. Time Period for Appeals to the Ethics Appeals Committee

Within thirty (30) days of the mailing date of Ethics Case Decision, the Respondent or the Complainant may appeal all or a portion of the Decision and Order to the CWEA Ethics Appeals Committee pursuant to this Section. Any appeals received beyond this time period will not be reviewed or considered by the CWEA Ethics Appeals Committee.

3. Grounds for Appeal to the Ethics Appeals Committee

Following a timely appeal, an Ethics Case Decision may be reversed, or otherwise modified by the CWEA Ethics Appeals Committee. However, the grounds for appeal of an adverse decision are strictly limited to the following: (a) Procedural Error. (That is, the appellant is alleging that the Ethics Hearing Committee or Officer misapplied a procedure contained in these rules and prejudiced the appealing party.); (b) New or Previously Undiscovered Information. (That is, following the closing of the hearing record, the appealing party has allegedly located relevant evidence that: was not previously in his/her possession; was not reasonably available prior to closure of the record; and, could have affected the decision on the Ethics Case ; (c) Misapplication of the Ethics Code. (That is, the appellant is alleging the Committee or Officer misapplied the provisions of the Code of Ethics in reaching its Decision, and the misapplication prejudiced the appealing party.); and/or (d) Contrary to the Information Presented. (That is, the appellant is alleging the Ethics Case Decision is contrary to the substantive information provided in the record). With respect to Subsections 3(a) and (c), above, the CWEA Ethics Appeals Committee will consider only arguments that were presented to the Ethics Hearing Committee or Officer prior to the closing of the hearing record.

4. Contents of Appeal/Letter of Appeal

In order to complete an appeal to the CWEA Ethics Appeals Committee under this Section, the appealing party must submit a letter or other writing to the CWEA Ethics Appeals Committee and the other party, within the prescribed time period, which contains the following information and material: (a) The ethics case name, and a statement of whether the case was decided by the Ethics Hearing Committee or the Ethics Officer and the date of the Decision; (b) A statement of the reasons for the appeal, including a complete explanation of the reasons that the appealing party believes that the Decision should be reversed or otherwise modified; and (c) Accurate, complete copies of any material which the appealing party believes supports the appeal.

5. Optional Response to Appeal Letter

Within fourteen (14) days of the date of any appeal, a Complainant or Respondent in the case may submit to the CWEA Ethics Appeals Committee a Response to the Appeal by letter or similar document. If submitted, this Response will fully explain any objections that the party wishes to present to the CWEA Ethics Appeals Committee concerning the appeal.

6. CWEA Ethics Appeals Committee Hearings

During the course of any appeal, the CWEA Ethics Appeals Committee will review: the hearing record; any appeal submissions presented by the parties; and/or any other information determined by the Appeals Committee to be relevant. Thereafter, within one hundred eighty (180) days after the submission of a complete appeal, the CWEA Ethics Appeals Committee will determine the outcome of the appeal by majority vote in closed session.

7. CWEA Ethics Appeals Committee Decisions and Orders

Within thirty (30) days of the Ethics Committee's determination on the appeal, or as soon after as practical, the CWEA Ethics Appeals Committee, by the Committee Chair or the Executive Director, will issue an Appeal Decision and Order stating and explaining the outcome of the appeal. With respect to each appeal, the CWEA Ethics Appeals Committee Decision and Order shall include the following: (a) A summary of any relevant portions of the Ethics Case Decision and Order; (b) A summary of any relevant procedural or factual findings made by the CWEA Ethics Appeals Committee; (c) The ruling(s) and decision(s) with respect to each matter under appeal; and (d) The CWEA Ethics Appeals Committee final Order affirming, reversing, amending or otherwise modifying any portion of the Ethics Case Decision and Order, including any disciplinary or remedial action or sanction. Copies of the CWEA Ethics Appeals Committee Decision and Order shall be sent to the parties, via U.S. mail, return receipt requested, or other appropriate delivery method. The decision of the Appeals Committee is final and binding.

M. FINALIZING ETHICS CASES

1. Events Which Will Result in Closure of an Ethics Case

An Ethics Case will be closed, and all related proceedings ended, when any one or more of the following occur: (a) Following the lapse of any appeal rights, the Ethics Case has not been accepted and the charges have been rejected as the basis for an Ethics Complaint and Investigation pursuant to these rules; (b) Following the lapse of any appeal rights, a final Decision has been issued by the Ethics Officer, the Ethics Hearing Committee, and/or the CWEA Ethics Appeals Committee pursuant to these Procedures; or (c) An Ethics Complaint has been terminated or withdrawn by the Complainant(s).

N. REAPPLICATION AND REINSTATEMENT PROCEDURES FOLLOWING REVOCATION, SUSPENSION, AND PROBATION ORDERS

1. Revocation Orders/Reapplication Petition

Five (5) years or applicable period after the issuance of an Order revoking certification under these rules, a Respondent may submit to the CWEA Technical Certification Program Executive Committee a Petition For Permission To Reapply For Certification (Reapplication Petition), as set forth in Section 4, below.

2. Suspension Orders/Reinstatement Requests

Upon the expiration of a final Order suspending certification issued under these rules, a Respondent may submit to the CWEA Board of Directors a Request For Certification Reinstatement (Reinstatement Request), as set forth in Section 4, below.

3. Probation Orders/Reinstatement or Referral

Upon the expiration of a final Order of probation included with a final decision on an Ethics Case, the Ethics Officer will determine whether the Respondent has or has not satisfied the terms of the probation order, and will do the following: (a) If the Respondent has satisfied the terms of probation in full, the Ethics Officer, will immediately verify that the probation has been completed and will reinstate the Respondent to full certification status provided the CWEA continuing education and recertification criteria are met; or (b) If the Respondent has not satisfied the terms of probation in full, the Ethics Officer will refer the case to the final decision maker for review and action consistent with these rules, including, but not limited to, continuation of the probation order and issuance of additional disciplinary or remedial actions concerning the probation terms.

4. Contents of Reapplication Petitions and Reinstatement Requests

Reapplication Petitions and Reinstatement Requests must include the following information: (a) A statement of the relevant Ethics Case name, and the date that the final CWEA Ethics Decision was issued; (b) A statement of the reasons that the Respondent believes support or justify the acceptance of the Reapplication Petition or the Reinstatement Request; and (c) Copies of any relevant documentary or other material upon which the Respondent relies in support of the Petition or Request.

5. Review of Reapplication Petition and Reinstatement Request

Upon receipt of a timely Petition or Request, the CWEA Technical Certification Program Executive Committee will schedule and conduct a hearing to review and rule on the Petition or Request at its next regular meeting. Generally, this will be scheduled to occur at least forty five (45) days after receipt of the Reapplication Petition or Reinstatement Request. Each Petition or Request will be considered by a quorum of the Board, and the final outcome of the appeal will be determined by majority vote of the Board in closed session.

6. Decisions and Orders on Reapplication Petition and Reinstatement Requests

Within thirty (30) days of conclusion of the Board of Director's review and determination of a Reapplication Petition or Reinstatement Request, or as soon thereafter as practical, the Board will prepare and issue a Decision and Order indicating whether the Petition or Request is granted, or denied. If appropriate, the Decision and Order will indicate any conditions of certification or recertification. Copies of the Decision and Order will be sent to the parties, via U.S. Mail, return receipt requested, or other appropriate delivery method. While no appeal of the Decision and Order is permitted, the Respondent may submit a new Petition or Request pursuant to this Section no less than two (2) years after the issuance of the Decision and Order.

**CWEA Certification Ethics Procedures
Process Diagram**

