

BCP Ethics Committee

Rules & Procedures

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Objectives & Authority

Objectives:

To aid the Board of Certified Psychometrists (BCP) in achieving its objectives as reflected in its Bylaws the Ethics Committee (hereafter known as 'the Committee') sets forth the following objectives. To help maintain ethical conduct by psychometrists at the highest professional level, to educate psychometrists concerning ethical standards, and to protect the public against harmful conduct by BCP Psychometrists.

Authority:

The Committee is authorized to:

1. Establish rules and principles of ethical conduct for adoption by the Board;
2. Investigate allegations of unethical conduct by CSPs;
3. Sanction those CSPs found to be in violation of published rules of conduct and ethical standards set forth by the Board.
4. 4 Publish reports on complaints investigated by the Committee. Adopt rules and procedures governing the conduct of all matters within its scope
5. Take other such actions consistent with the Bylaws of the BCP, the Psychometrist Ethics Code, and the Rules and Procedures, as are necessary and appropriate to achieving the objectives of this Committee.

6. Delegate appropriate tasks to subcommittees and Associates all of whom shall be bound by the Rules of Conduct set forth by the BCP. ,
Report violations of local law to the proper authorities if such violations are discovered during investigations.

Operating Rules

General Provisions:

1. **BCP Documents.** The Committee shall base its actions on applicable governmental laws and regulations, the Bylaws, the Psychometrists Ethic Code, and these Rules and Procedures.
2. **Applicable Ethics Code.** Conduct is subject to the Ethics Code in effect at the time the conduct occurred. If a course of conduct continued over a period of time during which more than one Ethics Code was in effect, each Ethics Code will be applicable to conduct that occurred during the time period it was in effect.
3. **Rules and Procedures.** The Committee may adopt rules and procedures governing the conduct of all matters within its jurisdiction, and may amend such rules upon a two-thirds vote of the BCP Board, provided that the amendment shall not adversely affect the rights of a CSP whose conduct is currently being investigated by the Committee or against whom the Committee has recommended sanctions.
4. **Sanctions.** Sanctions recommended by the committee and enforced by the Board shall include but not be limited to; Revocation of certification, expulsion from CSP, stipulated resignation, voiding of certification, censure, or reprimand.
5. **Time Requirements.** The BCP and the respondent shall adhere strictly to the time requirement specified in these Rules and Procedures. Upon request, the Committee Chair may extend time limits for submitting statements or responses if there is found to be good cause to do so.
6. **Calculation of Time.** In computing any period of time stated by these Rules, only business days will be counted. Saturdays, Sundays, and legal holidays will not be included.
7. **Use of Correspondence.** The Committee shall conduct as much of its business as is practical through correspondence, via email, US Postal Service and telephone.
8. Meetings and Officers:
9. **Frequency and Quorum.** The Committee shall meet at reasonable intervals and as needed. A quorum at such meetings shall consist of the majority of the members of the Committee.
10. **Authority.** A Vice Chair will be designated who will have the authority to perform all duties of the Chair when the Chair is unavailable or unable to perform their duties.
11. **Majority Rule.** Except as otherwise noted in these Rules and Procedures, all decisions shall be by majority vote of those members qualified to vote.
12. **Attendance.** Attendance at the Ethic Committee's deliberation of cases is restricted to members of the Committee and the Executive Board and other duly appointed persons authorized by the Committee to assist in carrying out its functions, except when the Committee, by two-thirds vote, authorized the presence of other persons.

Confidentiality and Notifications of Complaints

Confidentiality. All information concerning complaints against members shall be confidential, excepting that the Chair may disclose such information when compelled by a valid subpoena, in response to a request from a state or local board or similar entity, or when otherwise provided in these Rules and Procedures. Such information may also be released when the Chair and Executive Board agree that release of that information is necessary to protect the interest of the complainant or respondent, other investigative or authoritative bodies, the BCP, or members of the public. As such the release of information shall not unreasonably interfere with the BCP's ability to provide for the legitimate confidentiality interests of the participants in the ethics investigation process and its own interest in safeguarding the confidentiality of Ethics Investigations.

13. **Access by Committee, Board, Legal Counsel and Other duly appointed Persons.** Information may be shared with Legal Counsel of the BCP, the Executive Board, and with other duly appointed persons authorized by the Committee to assist it in carrying out its functions. Sharing of this information is subject to the confidentiality provisions set forth in these Rules. This information may be shared without a written release.
14. Notification in Connection with Investigation or Final Disposition of Investigation.
15. *Respondent:* the Committee chair shall inform the respondent of the final disposition. The notification shall include the findings of fact and the rationale for the BCPs actions.
16. *Complainant:* the Committee chair shall inform the complainant of the final disposition of the ethics investigation. The Committee chair may at any time, as a matter of discretion, provide such information as is necessary to notify the complainant of the status of a case.
17. *Board:* the Committee chair or designated Committee member shall report the progress of any and all cases at the BCP Board meetings.
18. *Other Entities:* When the Board determines that further notification is necessary for the protection of the BCP or the public or to maintain the standards of the BCP, the Committee chair shall be responsible for communication of facts, findings, and the final disposition to those groups and/or individuals.
19. *Disclosure of Fact of Investigation or Loss of Certification:* Upon written request, the executive Committee or ethics Committee chair may disclose to any inquiring entities that a psychometrist has had their certification revoked due to unethical behavior, that a psychometrist has resigned their certification while under ethics investigation, or that an individual certification was voided because it was obtained on the basis of false or fraudulent information.

Record Retention

20. **Confidentiality of Ethics Files.** Files of the Committee related to an investigation and adjudication of cases shall be confidential, within limitations, and shall be maintained consistent with these Rules and Procedures.
21. **Disposition of Investigation files.** Investigation records containing personally identifiable information shall be maintained for at least five years after a matter is closed.

22. **Files Involving Loss of Certification.** In cases in which a psychometrist has lost their certification, records shall be maintained indefinitely. In cases for which the sanctioned psychometrist is determined to be deceased, records will be maintained for five years after that determination was made.
23. **Records for Educative Purposes.** Nothing in these Rules and Procedures shall preclude the Committee from maintaining records in a secure place for archival or record keeping purposes, or from using or publishing information concerning ethics matters for educative purposes without identifying the individuals involved.

Jurisdiction and Scope

24. The Committee has authority over individuals who have obtained their CSP Certification.
25. The Committee may review complaints by CSPs as well as non-CSPs.
26. The complaint must be received less than seven (7) years after the alleged conduct occurred.
27. Disciplinary proceedings or action by another body, authority, or tribunal shall not prohibit investigative action by the Committee.
28. *Disciplinary Action by Another Body.* The Committee reserves the right not to investigate when a state or similar entity has taken disciplinary action against a psychometrist. (otherwise it is an investigation).
The Committee has the authority to review and make recommendations concerning all applications for readmission by persons who have lost certification as a result of Sanction by the committee.

Process & Review Complaints

The Ethics Committee has two types of investigations: "show cause" proceedings and "reviews of alleged unethical conduct". The Committee may choose to deal with a matter according to either procedure and may convert an *investigation* from one type to another as appropriate.

29. **Show Cause:** can be used when another body, including criminal courts, have already taken specified serious adverse action against a member. For example, if the CSP has been convicted of a felony or equivalent criminal offense. If the respondent does not respond to The Notice to Show Cause, he or she will automatically have their certification revoked. The respondent may Respond to the Notice to Show Cause and ask that the pending revocation be reviewed, in which case the respondent will have 60 days to explain why the BCP should not revoke their certification. The respondent may argue the merits of the previous action. If the respondent asks for a review, the Committee will respond within 60 days with its decision.
30. Upon notice of investigation the respondent may offer a resignation, which is deemed a resignation while under ethics investigation and the Certificate will be returned.
31. **Complaints Alleging Violation of the Ethic Code.** Allegations may be brought to the attention of the Committee by both CSPs and non-CSPs. Complaints must be submitted within specified time periods.
32. Complaints are evaluated by the Ethics Committee Chair or its designees regarding jurisdictional issues such as whether the subject of the complaint, is Certified, whether the complaint form is correctly completed, and whether the time limits for filing have been met.

33. If it is discovered the Committee does not have authority or if cause for action does not exist, the complaint is dismissed. If the Committee has authority and cause for action exists, the Chair will open an investigation issue a Notice Letter specifying the type and scope of violations alleged and the Committee will conduct an investigation.
34. The respondent is afforded an opportunity to Respond, comment on all documentation or statements that will be considered by the Committee, and produce documentation or testimony of their own. All of which the Committee may rely in its review of the complaint.
35. At the conclusion of the investigation, the case will be reviewed by the Committee for a resolution.
36. In resolving the case, the Committee may dismiss it; decide that it be resolved with a reprimand, (with or without supplemental directives), revoke certification; or offer the CSP the option of resigning subject to stipulated conditions and subject to approval by the Board.

Reopening a Closed Investigation

If significant new evidence of unethical conduct comes to the attention of the Committee after a matter has been closed, the investigation may be reopened and acted upon under regular procedures.

Failure to Cooperate with Ethics Process

CSPs are required to cooperate fully and in a timely fashion with the ethics process. Failure to cooperate shall not prevent continuation of any proceeding and itself constitutes a violation of the Ethics Code that may warrant loss of certification.

Adoption and Application

The Rules and Procedures of the Ethics Committee of the Board of Certified Psychometrist, were approved by the BCP on _____, with an effective date of _____. Further no amendment shall adversely affect the right of a CSP whose conduct is being investigated by the Ethics Committee will be applied. Failure by the Committee or BCP to follow these Rules and Procedures shall be cause to set aside action taken under these Rules only in the event such failure has resulted in genuine prejudice to the respondent.