

RPA Board of Directors

Michael Glassow
President 2002-2003
University of California
805-893-2054
fax 805-893-8707
glassow@anth.ucsb.edu

Charles M. Niquette
President-Elect 2002-2003
Cultural Resource Analysts, Inc.
859-252-4737; fax 859-254-3747
cmniquette@crai-ky.com

Donna J. Seifert
Director (SAA appt) 2000-2003
John Milner Associates, Inc.
703-354-9737; fax 703-642-1837
dseifert@johnmilnerassociates.com

Robert Clouse
Director (SHA appt) 2000-2002
University of Alabama
205-371-8718; fax 205-371-2494
rclouse@bama.ua.edu

Jeffrey Altschul
Director (AAA appt) 2002-2004
Statistical Research Inc.
520-721-4309; fax 520-298-7044
jhaltschul@sricrm.com

Hester Davis
Grievance Coordinator (non voting)
2002
Arkansas Archeological Survey
479-575-3556; fax 479-575-5453
hadavis@uark.edu

Shaune Skinner
Registrar (non voting) 2002-2003
ASC Group Inc.
614-268-2514; fax 614-268-7881
sskinner@ascgroup.net

Donn Grenda
Secretary/Treasurer 2000-2002
Statistical Research Inc.
909-335-1896; fax 909-335-0808
dgrenda@sricrm.com

FROM THE PRESIDENT'S DESK WHERE DOES ALL THE MONEY GO?

Several RPAs asked me recently what their registration fees pay for, and a few have wondered why annual registration fees are as much as they are (\$45 for those who are members of sponsoring societies and \$125 for those who are not). I thought I would take this opportunity to review some of the fiscal matters associated with operating the Register so that you can appreciate that registration fees actually are quite reasonable. Before I get into the details, however, I should point out that any incorporated organization with a membership as large as the Register's has a variety of expenses just to maintain existence. The Society for American Archaeology, as an example has an annual membership fee to \$115 (which also pays for a subscription to its journal), and annual membership fees of regional societies typically are about half of this amount.

The Register's annual income is from two main sources: renewal fees and sponsoring society fees. Last year the former amounted to about \$78,000 and the latter about \$15,000. In addition, application fees generated approximately \$5,200, and interest income about \$2,000. These amounts have been relatively stable over the last three years, with renewal fees rising gradually as the number of RPAs has increased.

The Register experiences three main sources of expense each year: payments to the Register's business office, the cost of printing and mailing of the Register to all RPAs, and attorney's fees. The business office, Clemons and Associates, handles such matters as maintaining an up-to-date list of RPAs, bookkeeping, sending out dues notices, production and mailing of the Register, administering elections, responding to inquiries, and storage of various supplies used in recruitment. Clemons also takes care of other expenses, such as telephone charges (including Board conference calls), bank charges, paper recycling costs, credit card fees, and insurance fees. One of the staff at Clemons, Miranda Coles, handles the affairs of the Register, and she works with bookkeepers also at Clemons. Business office fees and expenses they incur on our behalf added up to over \$41,000 last year. The cost of printing and mailing the Register was in the order of \$20,000.

The Register's legal consultant is with the firm of D'Ancona and Pflaum in Chicago (the Register is incorporated in Illinois). Legal fees were higher than usual last year, amounting to nearly \$27,000, due to the need for legal advice regarding recently adopted Bylaws revisions as they were being drafted, and consultation about a grievance case. The Register also pays travel and one-day/night per diem to Board members when they meet face-to-face. Last year the board met twice, for a total cost of \$10,750. Other expenses last year include maintenance and updating of the website, production of RPA

Notes (which cost nearly \$3,000), and acquiring and sending sponsoring society newsletters to unaffiliated RPAs. All tolled, the Register spent about \$103,000 last year, which was about \$3,000 more than income. This year the projected expenses are \$97,000, which does not include the cost of the grievance case just mentioned.

Currently the Register has net assets of just under \$99,000, which is kept in a money market account. It is typical for an organization like the Register to maintain net assets approximately equal to annual expenses. For the Register, net assets ideally should be a higher proportion because annual expenses occasionally are far more than typical due to the substantial cost of the occasional grievance case that proceeds all the way to a Standards Board hearing. Any grievance case reaching just the investigative stage involves the Register's attorney, and as we all know, legal services are very expensive. The Register's attorney advises the Grievance Coordinator as a grievance case is investigated and prepared, and the attorney also advises the Chair of the Standards Board as the Board considers the case. An attorney representing the Register may even have to be present during the hearing, which of course would add greatly to the cost. Costs associated with a hearing also include travel and per diem costs of the Grievance Coordinator, the Standards Board members, and witnesses called by the Grievance Coordinator. The full cost of a grievance case reaching the hearing stage may be around \$100,000, and even if a case is resolved before a hearing, its cost easily could be between \$25,000 and \$50,000. Fortunately, cases that are heard before a Standards Board are few and far between, but of course they can occur at any time. Ideally, the Register would experience high-cost grievance cases at long enough intervals of time that reserves can increase sufficiently in the interim.

Recognizing its obligation to maintain fiscal responsibility, the Register's Board has been considering ways to economize. Last year, for instance, the Board decided to limit face-to-face board meetings to one per year, with other meetings being in the form of conference calls. The Board also shifted to a new webmaster whose services were at a much lower rate. At the same time, however, the Board has begun exploring ways of making the Register more useful to RPAs, and some of the ideas may require funding. In particular, the Professional Development Committee, under the chairship of Chuck Niquette, is in the early stages of developing various proposals to bring to the Board. In addition, the Board is seriously considering the idea of an endowment fund or other similar vehicle by which financial contributions by some RPAs would serve as a match to stimulate additional contributions.

In conclusion, I hope it is clear that registration fees and other income are expended in a fiscally responsible manner. It is worth noting, however, that the Register should have a more effective way of dealing with the prospect of high-cost grievance cases that could consume all the Register's reserves. The Board is considering various ways of ensuring that the Register will always be able to pay for any grievance case that comes along.

Michael Glossow,
President

COMMITTEES

COMMUNICATIONS COMMITTEE

Charles M. Niquette, Chair
Cultural Resource Analysts, Inc.
Lexington, KY 40508
859-252-4737; fax 859-254-3747
cmniquette@cr-ai-ky.com

Sue E. Linder-Linsley
Managing Editor, RPA Notes
List Serve Manager
Department of Anthropology
Southern Methodist University
Dallas, TX 75275-0336
214-768-2938; fax 214-768-2906
slinder@mail.smu.edu

Donna J. Seifert
John Milner Associates, Inc.
Alexandria, VA 22312
703-354-9737; fax 703-642-1837
dseifert@johnmilnerassociates.com

FIELD SCHOOL CERTIFICATION

Michael Adler, Chair
Department of Anthropology
Southern Methodist University
Dallas, TX 75275-0336
214-768-2940; fax 214-768-2906
madler@mail.smu.edu

William Lipe
Washington State University
Pullman, WA 99164-4910
509-335-2100; fax 509-335-3999
lipe@wsu.edu

Elizabeth Pena
Department of Anthropology
380 MFAC, Ellicott Complex
Buffalo, NY 14261
716-645-2414; fax 716-645-3808
epena@acsu.buffalo.edu

John Doershuk
Office of the State Archaeologist
700 Clinton Street
Iowa City, IA 52242-1030
319-384-0724; fax 319-384-0768
john-doershuk@uiowa.edu

STANDARDS BOARD
Charles McGimsey, Chair
University of Louisiana-Lafayette
Lafayette, LA 70504
337-482-5198; fax 337-482-5374
mcgimsey@louisiana.edu

Leslie Eisenberg
Wisconsin Historical Society
Madison, WI 53706
608-264-6503; fax 608-264-6542
leeisenberg@whs.wisc.edu

John Doershuk
Office of the State Archaeologist
700 Clinton Street
Iowa City, IA 52242-1030
319-384-0724; fax 319-384-0768
john-doershuk@uiowa.edu

Jay Newman, Alternate
 Ft. Worth District CESWF-PER-EC
 Fort Worth, TX 76102-0300
 817-886-1721; fax 817-886-6498
 jay.r.newman@swf02.usace.army.mil

H. Edwin Jackson, Alternate
 University of Southern Mississippi
 Box 5074
 Hattiesburg, MS 39406
 601-266-4306; fax 601-266-6373
 ed.jackson@usm.edu

PROFESSIONAL DEVELOPMENT COMM.

Carla Antonaccio
 Wesleyan University
 Middletown, CT 06459
 860-685-2067; fax 860-685-2089
 cantonaccio@wesleyan.edu

J. Ned Woodall
 P.O. Box 7807, Reynolds Station
 Winston Salem, NC 27109
 336-758-5117; fax 336-758-3378
 woodalljn@wfu.edu

Charles Kolb
 1005 Pruitt Court, SW
 Vienna, VA 22180-6429
 202-606-8250; fax 202-606-8639
 ckolb@neh.gov

William Lovis
 MSU Museum
 Michigan State University
 East Lansing, MI 48824-1045
 517-355-3485; fax 517-432-5935
 lovis@pilot.msu.edu

NOMINATIONS COMMITTEE

K. Kris Hirst, Chair
 The Louis Berger Group, Inc.
 950 50th Street
 Marion, IA 52302-3853
 319-373-3043; fax 319-373-3045
 archaeology.guide@about.com

Shelly Davis-King
 Davis-King & Associates
 P.O. Box 10
 Standard, CA 95373
 209 928-3443; fax 209-928-4174
 shellydk@mlode.com

Jodi Magness
 Department of Classics
 Tufts University
 321 Eaton Hall
 Medford, MA 02155
 617-627-2680; fax 617-627-2896
 jodi.magness@tufts.edu

RECRUITMENT COMMITTEE

Robert Clouse, Chair
 Office of Archaeological Research
 University of Alabama
 13075 Moundville Archaeological Park
 Moundville, AL 35474
 205-371-8718; fax 205-371-2494
 rclouse@bama.ua.edu

TO BE OR NOT TO BE REGISTERED

Charles R. McGimsey III

*Charles R. McGimsey III is Director Emeritus,
 Arkansas Archeological Survey in Fayetteville, Arkansas.*

The tide seems to be turning but archaeologists have been slow off the mark to make a commitment to the Register of Professional Archeologists and thereby publicly identify themselves as Registered Professional Archeologists.

Just over twenty five years ago in my Presidential Address to the SAA I asked whether we were to become a true profession or remain simply a band of brethren? It was a serious question, not a rhetorical one. At that time (1974) a true archaeological profession did not exist in this country. There was an abundance of professional archaeologists who together constituted a band of brethren, but there was not an archaeological profession. A profession, by definition, consists of a body of individuals demonstrably qualified in a particular subject or skill, who remain qualified over time, and who agree to be held accountable to their colleagues and to the public in all of their professional actions (paraphrase of Webster 1969:1811).

Today we have an archaeological profession but it is still a small one. It consists of the 1500 or so individuals who have committed themselves to the public and to their discipline by becoming registered. But there is still an abundance of archaeological brethren out there who are unquestionably professionals but until they make that personal commitment they do not form a part of the archaeological profession. And until such time as those persons qualified to be registered routinely choose to make such a commitment to archaeology by becoming registered the discipline will continue to have major problems.

Robert Jeske in a recent article argues cogently that what the Register must do to increase its numbers is convince those who employ archaeologists "that registration is truly the mark of a person who is a professional and who is likely to be a better archaeologist than someone who is not registered" (Jeske 2002:29). I certainly agree it would be a great help (being better able to get a job is an important incentive) but that is helpful advice only if we determine how to go about convincing employers that RPAs are "better." Presumably the most convincing argument would be a study assessing the performance of a set of RPAs against a set of archaeological practitioners who don't qualify for registration. But the mechanics of that seem prohibitive. How would such a selection be made, by whom? Who would conduct and fund such a survey? How large a difference between the two sets would convince employers, and how would the results be effectively promulgated to a very diverse audience?

A second major problem with depending on convincing employers as the primary means of encouraging registration is that success in that area is not going to do anything about bringing aboard the Register the greatest body of practicing professionals — those already happily and securely employed. The profession, if it is to be fully effective, must attract that element to the Register

now as well. But why should we have to depend on employers to force us to act in the best interests of our discipline? If all qualified participants would become registered, the profession would be in the position of presenting employers with only the best to choose from to begin with.

Of course, if coercion is required to motivate individuals to become registered, the licensing of archaeologists by each state is the ultimate coercive approach, one which has always lurked in the background. Indeed, one of the major concerns of those who were instrumental in founding SOPA (now the Register) was to endeavor to insure that if or when licensing did raise its head, the archaeological profession would have already in place an operative Code of Conduct and Standards of Research Performance which could be adopted by the states rather than risking having a code and standards established independently by each state legislature. But this would be a long, time consuming process and one fraught with peril, for state legislatures cannot always be counted on to do what is intended by those who propose the legislation. There is also the danger of legislative acts being adversely affected by those not concerned with the best interests of archaeology. Of course, the best protection against the latter problem is to have a strong professional presence. In fact, if we have a strong profession, state laws, with all their difficulties, should be unnecessary.

The benefits of the Register to the individual and to archeology will not be maximized until such time as the great majority of eligible individuals become registered. Only then will the profession become a force to be reckoned with, benefitting all elements — the individual practitioner of whatever orientation, the discipline of archaeology, and archeology's various publics. An effective Register can be a major factor in helping resolve many of the discipline's current problems. It can help assure adequate field training, facilitate the movement of personnel among the four fields within the discipline (university or college teaching, research, management, and outreach) and, in concert with the SAA, SHA, AAA, AIA and other societies, it can work toward assuring adequate and appropriate funding, and encourage improved communication among all practitioners, not to mention helping assure that the resources receive the best possible care and that the public is best served.

The unique and most important function of the Register, however, aside from identifying qualified practitioners who have agreed to adhere to its Code of Conduct and Standards of Research Performance, is its ability, through its Grievance Procedures, to hold registrants publicly accountable for all future actions, however funded, thus assuring the public that professional standards will be met and maintained. While agency and SHPO archaeologists provide some measure of review and oversight for much CRM research, the Register can also provide a check and balance on the performance of the agency/SHPO review process when registered archaeologists are involved. It is the value to the discipline of this capacity for quality control that should be emphasized when considering registration rather than the apparent hurdles of registration itself. If a registered archaeologist does not perform professionally he/she can be called to account.

Obviously the ability of the Register to meet the public's need is going to depend on the willingness and ability of each qualified archaeologist to place a concern for long term benefits to the discipline above immediate self interest and/or the (I

Marc Kodack
1325 J Street, Planning Division
Sacramento, CA 95814
916-557-6818; fax 916-557-7856
Marc.Kodack@spk01.usace.army.mil

Martha Sharp Joukowsky
Brown University, Box 1921
Providence, RI 02912
401-274-7006; fax 401-751-3653
Martha_joukowsky@brown.edu

REGISTRAR ADVISORY COMM.

Shaune Skinner, Chair
ASC Group Inc.
4620 Indianola Ave
Columbus OH 43214
614-268-2514
fax 614-268-7881
sskinner@ascgroup.net

Charles M. Niquette
Cultural Resource Analysts, Inc.
143 Walton Avenue
Lexington KY 40508
859-252-4737
fax 859-254-3747
cmniquette@crai-ky.com

Carl Merry
Office of the State Archaeologist
700 Clinton Street Bldg
Iowa City IA 52242-1030
319-384-0737; fax 319-384-0768
carl-merry@uiowa.edu

Pat Garrow
TRC Garrow Assoc. Inc.
1870 Ridgecrest Dr.
Dandridge, TN 37725
770-270-1192
fax 770-270-1392

ARCHIVES COMMITTEE

Sue E. Linder-Linsley, Chair
Southern Methodist University
Dallas, TX 75275-0336
214-768-2938
fax 214-768-2906
slinder@mail.smu.edu

Robert Clouse
University of Alabama
Office of Archaeological Services
13075 Moundville Archaeological Park
Moundville, AL 35474
205-371-8718
fax 205-371-2494
rclouse@bama.ua.edu

AWARDS COMMITTEE

Michael Glassow, Chair
University of California
Santa Barbara CA 93106-3210
805-893-2054
fax 805-893-8707
glassow@anth.ucsb.edu

WATCHWORD COMMITTEE

Charles Cleland, Chair
 19899 Gennett Road
 Charlevoix, MI 49720
 231-547-6220
 fax 231-237-0226
 ccleland@voyager.net

Ed Jelks

Illinois State University
 605 N School Street
 Normal, IL 61761-1619
 309-452-1223
 fax delete (on longer has one)
 ebjelks@ilstu.edu

Donn Grenda

Statistical Research Inc.
 Redlands, CA 92373
 909-335-1896
 fax 909-335-0808
 dgrenda@srircm.com

REGISTER AFFILIATION

Donald Hardesty, Chair
 University of Nevada
 Reno, NV 89557-0006
 775-784-6049
 fax 775-327-2226
 hardesty@unr.edu

Pat Garrow

TRC Garrow Assoc. Inc.
 1870 Ridgecrest Dr.
 Dandridge, TN 37725
 770-270-1192
 fax 770-270-1392
 p-garrow@hotmail.com

Sannie Osborn

Presidio Trust
 PO Box 29052
 San Francisco, CA 94129-0052
 415-561-5090
 fax 415-561-5089
 sosborn@presidiotrust.gov

RPA BOARD MANUAL

Charles M. Niquette, Chair
 Cultural Resource Analysts, Inc.
 Lexington, KY 40508
 859-252-4737
 fax 859-254-3747
 cmniquette@crai-ky.com

Donn Grenda

Statistical Research Inc.
 Redlands, CA 92373
 909-335-1896
 fax 909-335-0808
 dgrenda@srircm.com

believe false) perception of not receiving any personal benefits from registration. **Every** archaeologist is involved and each has a personal and professional stake in insuring that archaeology maintains a strong, publicly recognized and respected, professional presence as represented by a strong and inclusive Register. We must consider the consequences of losing that public support before deciding not to become registered.

Much thought, legal advice, and consultation with other disciplines went into the development of the Register's Code of Conduct and Standards of Research Performance, and they have withstood the test of time. The Register may not yet be perfect but it is continually evolving. It represents the best vehicle we are ever likely to have for developing and maintaining a recognized and accepted archaeological profession and, with everyone participating, the Register, and the profession, can only get better.

If we are not careful we could lose the initiative and momentum we presently have for establishing a true profession of archaeology encompassing the full body of qualified practicing archaeologists. If we should ultimately fail in this effort, which is beyond my comprehension, archaeology will be right back where it was twenty five years ago, a discipline whose practitioners, for whatever reason(s), have failed to unite in the best interests of the discipline, the resource base, the public, and, ultimately, themselves. That would truly be sinful.

I can think of a number of reasons why individuals might shy away from becoming registered: it is a hassle to have your credentials checked by anyone, the annual cost, and the absence of a material reward (e.g., a journal, and the fact that from then on you are no longer quite the free spirit you once thought you were but will be held directly accountable by your peers for your future professional actions). There is probably a fifth even more powerful reason that is operative, the answer to a weighing of the negative factors against the question "What benefits accrue to me by my becoming registered?" For many people the negative factors may appear to be more weighty. To others, particularly those holding a prestigious and secure post in academe or elsewhere, the Register may seem simply irrelevant. There is no simple satisfactory answer for everyone to the question "Should I become registered?" But the individual who tries to determine whether to become registered or not by attempting to weight the hassles against the benefits is viewing the question from too narrow a framework. It is necessary to include "What is best for the archaeological resource base and the future ability of archeology to contribute to knowledge?" into that frame. In the final analysis, the question as to whether we should become registered is actually the same for each of us, regardless of our present situation or status. "Do we wish the archaeological resources remaining to us, and upon which we all depend, to be investigated and defended by a true profession of registered archaeologists with common goals and standards and an established means for oversight, or do we truly and honestly believe that as much or more can be achieved by an unorganized aggregate of individuals (of widely diverse capability) who are not held to any consistent standards by anyone?"

I have been involved with SOPA (now the Register) from the very beginning. I don't believe I have ever received any direct benefits from being a member of

— (continued on page 7) —

QUALIFICATIONS: DOI STANDARDS AND RPA CRITERIA

DOI ARCHAEOLOGY STANDARDS

The minimum professional qualifications in archeology are a graduate degree in archaeology, anthropology, or closely related field plus:

1. At least one year of full-time professional experience or equivalent specialized training in archaeological research, administration or management;
2. At least four months of supervised field and analytic experience in general North American archaeology; and
3. Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. A professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

RPA CRITERIA FOR REGISTRATION

The Register sets a higher standard than does the Secretary of the Interior. It includes a *Code of Ethics*, *Standards for Research Performance*, and a *Grievance Procedure* for those registered archaeologists who fail to adhere to the Code and Standards (also see <http://www.rpanet.org>). Article II of the Register's Bylaws is pertinent to this discussion. It states:

ARTICLE II.

Registration as a Professional Archaeologist

Section 1. Requirements. Registration as a Professional Archaeologist shall be open to any applicant who fulfills the following requirements:

Provision of documentation satisfactory to the Registrar that the applicant meets the eligibility requirements established by the Board of Directors (see below).

Agreement to abide by the Register Bylaws, the Code of Conduct, and the Standards of Research Performance and to be subject to the Disciplinary Procedures of the Register of Professional Archaeologists.

Payment of the applicable fees by deadlines established by the Board of Directors.

The eligibility requirements established by the Board consist of two tracks, commonly referred to as the "short form" and long form" applications. The former requires and applicant to:

1. Holding an advanced degree with a specialization in archaeology.
2. Having designed and executed an archaeological study that has been reported in the form of a Master's thesis or Doctoral dissertation.
3. Accepting the responsibilities and standards described in the Code and Standards of the Register of Professional Archaeologists.

The long form is a bit more rigorous because its intended use is for folks who may have pursued a non-thesis track for earning their advanced degree or who have degrees in fields other than anthropology. The long form application includes four sections, all of which must be completed:

Section 1: Cover Sheet — In this section, the applicant agrees and acknowledges that after registration by The Register she/he will be bound by the Code and Standards for all conduct occurring during the period she/he is registered, including the period her/his application is pending, and for all conduct occurring during such periods as the applicant identifies herself/himself as a Registered Professional Archaeologist (RPA).

In the event that the applicant is denied registration, she/he agrees to be bound by the appeals procedure in the Bylaws.

The applicant agrees and acknowledges that any investigation and all communications and related

activities that may be conducted by The Register or its agents in connection with disciplinary proceedings are privileged and non-actionable because they are conducted in the performance of The Register's professional responsibilities.

In addition, the applicant agrees that The Register may, at its sole discretion, publish and distribute the results of any disciplinary proceedings to RPAs and other interested individuals, corporations, business entities, private or governmental agencies, or the media. In addition, the applicant agrees that The Register may conduct investigations of alleged violations by the applicant Code of Ethics and/or Standards of Research Performance, and may take and engage in such actions, communications, and activities as are reasonably necessary for the purpose of such investigations.

Section 2: Educational Requirements — The applicant must have an advanced degree (such as an M.A., M.S., Ph.D., or D.Sc.) from an accredited institution in archeology, anthropology, art history, classics, history, or other germane discipline with a specialization in archaeology. A photocopy of a diploma or a transcript that indicates award of the degree must be included with this application.

Section 3: Execution of an Archaeological Study — The applicant must have designed and executed an archeological study and have reported on that research in the form of a master's thesis, Ph.D. dissertation or report (or several smaller reports that together are equivalent in scope and quality to a master's thesis or Ph.D. dissertation. A purely descriptive report, however long, is not considered equivalent. The thesis, dissertation, or report must show a substantive data analysis by the applicant directed toward an explicit archaeological research problem.

Section 4: Field and Laboratory Experience Requirement — The applicant must document a minimum of one-year (52 weeks) of field and laboratory experience, gained in blocks of at least 4 weeks duration, distributed as stipulated in sections 4.1, 4.2, and 4.3 below. [Note: In some instances it may be difficult for archaeologists to fully reconstruct their field and laboratory experience. In such cases, and in others in which career-related experience may have provided comparable preparation, the applicant may list and briefly describe projects that together provide at least one year of experience in survey, excavation, and laboratory processing/analysis. This

must include the minimum of 16 weeks of work in the field (of which at least 8 are in excavation), 16 weeks in the laboratory, and 20 weeks in a responsible supervisory capacity. Survey projects that involved testing or oversight of major projects requiring research design and responsibility for quality control are examples of experience that would satisfy the field requirement. For each project, indicate the duration and nature of one's involvement, name the project director or supervisor, and cite any relevant publication.]

— (continued from page 5) —

SOPA or from being an RPA (outside of the fellowship) nor did I expect to. The indirect benefits have been many and profound. What follows is obviously a very personal point of view, but to me the Register, and all that it implies, provides each of us an opportunity to identify publicly with and express our pride in archaeology and in being an archaeologist; to exhibit our faith that, by working together with common goals, standards, and controls, we can contribute more and more effectively to society; to demonstrate our desire to help insure that we and others will be able to do the best work we are capable of doing by constantly striving to improve the ground rules under which we all operate; and to express our conviction that more can be accomplished if we act as members of a cohesive group than could possibly be accomplished by individuals, however well intentioned or well placed. If you don't agree with at least some of what is set forth above then perhaps I can understand why you would choose not to become registered, though I still would not agree with that decision.

I recently had occasion to ask a younger colleague, who is employed as a research archaeologist by state government, why he had become registered as soon as he was eligible. His immediate reply: "Because it was the professional thing to do." Precisely!

References Cited

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DENVER SAA MEETING — RPA BOARD MEETING
MARCH 20, 2002

Present:

- Michael Glassow (President)
- Donn Grenda (Secretary / Treasurer)
- Charles Niquette (President Elect)
- Donna Seifert (SAA Rep)
- Jeffrey Altschul (AAA Rep)
- Sue Linder-Linsley (Communciations Committee)
- Shaune Skinner (Registrar)
- Robert Clouse (SHA Rep)
- Val Canouts (Grievance Coordinator)
- Chuck Cleland (Watch Word Committee Chair)

Absent:

- Ricardo Elia (AIA Rep)

Meeting called to order at 2:05 p.m.

Mike covered announcements on the agenda (e.g., RPA forum, SOPA issues, no representative present from Clemons, RPA booth assignments, discounts on application fee at meeting, Beta-Analytic discount deal, credit card payment now available).

1. Approval of meeting minutes

Bob Clouse moved (Motion 2002-01) to approve April 18, 2001 Chuck Niquette 2nd, Unanimous pass. Chuck Niquette moved (Motion 2002-02) to approve Jan 11, Jeff Altschul 2nd, unanimous pass.

Discussion:

Can we publish the board meeting notes in our newsletter or on the web? As a not-for-profit, RPA board meeting notes are open to those with interest. We should put a synopsis of the notes out as a separate section of the RPA web site.

2. Treasurer’s Report (Grenda)

Year-end report indicated that renewal and application fees were up (probably due to increased membership drive at last year’s SAA meeting). On the negative side, we spent more in legal fees and on the web site than budgeted (both should substantially decrease in 2002). Other than these differences, we hit our marks and remain fiscally strong.

Discussion:

There was discussion about the high legal fees due to the Watchword Committee.

A separate discussion took place about RPA board meeting procedures. Electronic voting by the board is not allowed, but teleconference votes are allowed. Chuck Niquette moves (Motion 2002-03) to approve all previous motions that were passed electronically. Donna Seifert 2nd, vote passed with Shaune Skinner abstaining.

Mike Glassow will ask Clemons about newsletters and the policies for sending them out to unaffiliated members.

3. Registrar Report (Skinner)

As of March 11, 2002, RPA had 1337 affiliated members and 182 unaffiliated members. Of the members, 1531 are current and 239 not yet paid. Since January, 58 total applications have been received, 4 short forms needed more information, 2 field schools have applied, and some long forms are being reviewed.

Discussion:

Skinner requested more information on how to do the job of Registrar. This will be addressed under new business for updating the board manual.

Chuck Niquette was concerned with Miranda on the approval process. Where do the application forms go? Who knows where the form is in the process? Skinner said that she reviews short forms and the long forms go to committee. RPA, however, currently has no committee. Glassow will appoint a committee now. Skinner is added to the committee. Original application forms go to the RPA archives in South Carolina. Chuck Niquette was on previous committee as was Pat Garrow. The field school committee reviews the applications.

Skinner said the short form needs to be reviewed. An M.A. applicant with a thesis has a much easier time getting RPA approval than an M.A. applicant with no thesis. For example, field supervision is needed for non thesis. Is the short form adequate? Does the long form demand too much? Perhaps we need a committee

to review the long form (Skinner said this committee should be the same as the review committee to be appointed by Glassow). Skinner provided a handout for the specifics.

4. Communications Committee (Niquette)

Still not much progress from this committee. There is no specific goal yet established for the committee. The first order of business once this committee is fully established will be to determine the goals of the committee. Topics about professionalism should be encouraged. Forums should be published (e.g., field school, Bylaw changes). The RPA Program on the Grievance Process, is open to all and is a good example of a way to communicate.

Discussion:

Website costs (\$6,300 per year) were reviewed by Chuck, Sue, and Clemons. The current web hosting company immediately cut costs in half after the review. Sue will now take this project over for \$50/hr., \$2000 per year minimum. Currently it is on the Earthlink server and change (to Yahoo) will be transparent. RPA owns the contents of the webpage. Chuck Niquette moves (Motion 2002-04) to accept the proposal from the communications committee to move the website to Sue Linder-Linsley. 2nd by Jeff Altschul. Approved unanimously.

5. Nomination Committee and Process (Glassow)

Chris Hurst, Shelley Davis King already have some nominations for Grievance Coordinator (2), one for sec/treas, one for Nom. Committee.

6. Recruitment Committee (Clouse)

Chuck said Bob is doing a great job. It takes lots of time and costs money to ship the display back and forth. The pamphlet is doing a great job. Ideas are welcomed and needed to attract academics. Perhaps AAA will help. Currently the Register does not know where members work. Perhaps this should be on renewal forms. We need to know how to attract younger members. RPA board members should attend new member (student) receptions at the SAA meetings. Perhaps Mike Glassow (or Bill Lees or Virgil Nobel) should write an article to reach out and add to Jeske's report.

7. Watchword Committee Report (Cleland)

This committee (Charles Cleland (Chair), Jelks, and Grenda) was established to deal with problems of interim grievance coordinator and bylaws issues. Solutions involve making the grievance manual

consistent with the bylaws and making a Grievance Coordinator Elect position. State of Illinois revised law in 1986 about not for profits. This meant the Register was out of compliance with the new law on some points. Nick Sack (Register Atty.) was consulted and many problems were addressed. The committee drafted the proposed changes to the bylaws. The changes to the document were presented for review to the board and discussed. See attached Watchword draft.

Discussion:

New law says some committees need to have board members: Currently only the Nominating Committee fits this description. Other committees don't have to have board members. Chuck Cleland will check this to make sure.

The board also wants to make the bylaws consistent with electronic means of doing business. Law forbids voting by email. Unanimous consent is allowed on email. Conference calls are acceptable for voting.

Chuck Cleland will redraft the changes and resubmit to the board. We will then have a conference call to vote on changes to be proposed to the members.

We need to prepare the members for these changes through articles so that they can be included in the Fall ballot. Perhaps we can get this resolved earlier by informing RPAs through email. There will be a period of time between the changes and the time they take effect. Board needs to get an estimate from Nick Sack to help complete these changes.

Thanks were given to Chuck and the committee.

8. Field School Certification Committee (report presented by Adler, not present). See attached report.

9. Professional Development Committee (not yet appointed) No clear mission for committee yet. Mike Glassow will appoint soon.

Discussion:

This committee has the primary goal of developing a continuing education program for the Register. This group needs to get active and start putting together a proposal for board review.

10. Register Archives

We have no current memorandum of agreement. Mike

Glassow presented old memorandum and asked for comments. We need to run the memorandum through Nick Sack. Mike appointed Sue Linder-Linsley, (Bob Clouse is on committee) to develop a formal policy and storage arrangement for the archives. It is relatively low priority but someone on the committee should visit the collection facility. Currently the archives are housed for free at the Institute of Archaeology at South Carolina. We pay for the materials and upkeep but not the space.

11. Register Affiliation Committee (Hardesty)
No action.

12. Grievance Coordinator Report (Canouts)

Valetta resigned from the position. There was a poor transition between Elton and Val. Summary report and resignation will be submitted tomorrow to the President. Whoever takes over in the interim will get guidelines and updates from Val. The GC-Elect position should solve many of the problems. Hester Davis agreed to take over as Interim GC. Hester will be at SAA session on Grievance Process. Blaine, Washington case and one other case (held over from the past) are pending.

Old Business:

1. Annual Budget (Hardesty presented a written report to Mike)

We need to anticipate that the changes to the grievance committee will cost money and decide how much to spend on legal fees. Our renewal fees need to be addressed. We have a number of members who have not yet renewed. How many of these will be dropped? The budget estimate is based on some growth rate. We need to ask Nick if the budget can be approved by phone.

2. Criteria for choosing sponsoring society meetings of the board Conference call will serve as board meeting and the annual board meeting face to face will be at the SAA meetings. We will still have a presence at the other sponsoring groups.

3. We should update the board manual (Niquette, Chair and Grenda member)

New Business:

1. Donna Seifert moves (Motion 2002-05) to appoint Hester Davis as Grievance Coordinator. Chuck Niquette 2nd. Unanimous pass of the Motion. This is an interim appointment to fill Val's resignation spot.

Discussion:

Board wants quarterly reports from Grievance Coordinator. This may be too difficult and perhaps every 6 months is more realistic. If the report is a spreadsheet (i.e., tally style) then the number of cases, status, etc., could be easily provided. This should be in the annual report and included in the RPA Notes.

2. AIA is no longer a Register Sponsor.

Discussion:

AIA dropped their sponsorship status, but sent \$2,000 in support of the Register. This was an attempt to be an affiliate, but this status does not exist. Mike will ask Rick Elia about the meaning of this action.

We need to know when the sponsoring organizations are billed for their sponsorship. Also can the AIA just drop their support without a vote of their members?

General Discussions:

1. The board feels that they do not need a Clemons representative at the board meetings.
2. Fiscal strength of the Register should be an article for the RPA Notes.
3. We need to do a forum every year.
4. We need to have a session in the program at the sponsoring groups.
5. New ways of promoting registration are always welcomed. Bob will look into better recruitment process.
6. The Gold Star Proposal should be put on the back burner. In the future we should float the idea in the RPA Notes.
7. Labels and Pins should be used as marketing tools. Bob will look into these promotions.
8. We need to have the membership of sponsoring organizations publish who is an RPA.

Meeting adjourned at 6:30 p.m.

R P A N O T E S

2002 MEMBERSHIP REPORT
END OF YEAR, DECEMBER 31, 2002

Category	Total (n)	Percentage (%)	Category	Total (n)	Percentage (%)
Total Paid Membership (Paid through until 12/31/2002)	1588		Geographic Area (United States)		
Affiliated	1427	89	Alabama	19	1
Unaffiliated	157	10	Alaska	15	1
Emeritus	4	< 1	Arizona	81	5
Total Unpaid Membership (Paid in 2001, but are not paid through until 12/31/2002)	97	7	Arkansas	18	1
Affiliated	71	73	California	295	19
Unaffiliated	26	27	Colorado	31	2
Emeritus	0	0	Connecticut	11	< 1
Total New Members for 2002 (Joined after 12/31/2001)	195		Delaware	4	< 1
Affiliated	160	82	Florida	97	6
Unaffiliated	31	16	Georgia	47	3
Field Schools	4	2	Hawaii	19	1
Gender			Idaho	16	1
Male	1015	64	Illinois	33	2
Female	566	36	Indiana	10	< 1
Unknown	7	< 1	Iowa	24	2
RPA Certified Field Schools	13		Kansas	2	< 1
Member Degrees			Kentucky	33	2
A.A.	1	< 1	Louisiana	31	2
A.B.D.	1	< 1	Maine	6	< 1
B.A.	13	1	Maryland	24	2
B.S.	3	< 1	Massachusetts	17	1
Ed.D.	1	< 1	Michigan	26	2
M.A.	742	47	Minnesota	20	1
M.A.A.	1	< 1	Mississippi	20	1
M.H.P.	1	< 1	Missouri	15	1
M.L.	1	< 1	Montana	8	< 1
M.L.S.	1	< 1	Nebraska	10	< 1
M.S.	69	4	Nevada	47	3
M.S.C.	2	< 1	New Hampshire	3	< 1
Ph.D.	572	36	New Jersey	30	2
Unknown	180	11	New Mexico	31	2
Geographic Area (Out-side of the U.S.)			New York	73	5
Canada	22	1	North Carolina	38	2
Cayman Islands	1	< 1	North Dakota	1	< 1
England	6	< 1	Ohio	28	2
Greece	1	< 1	Oklahoma	9	< 1
Ireland	1	< 1	Oregon	35	2
Italy	1	< 1	Pennsylvania	39	2
Mexico	1	< 1	Rhode Island	9	< 1
Netherlands	1	< 1	South Carolina	12	< 1
Puerto Rico	2	< 1	South Dakota	5	< 1
Virgin Islands	3	< 1	Tennessee	25	2
			Texas	92	6
			Utah	16	1
			Vermont	3	< 1
			Virginia	34	2
			Washington	34	2
			West Virginia	12	< 1
			Wisconsin	21	2
			Wyoming	8	< 1
			District of Columbia	12	< 1



ICOM08 Advisory Committee meeting
Dubrovnik - Croatia
16 - 19 October 2001
Point 11

From: Sheridan Burke, Vice-President
To: Members of the ICOMOS Advisory Committee

ETHICAL COMMITMENT STATEMENT FOR ICOMOS MEMBERS

For some years ICOMOS has struggled with the desire and need to develop an ethical practice statement for its members. Former ICOMOS president Roland Silva has been a particular champion of the need for such a document. There have been various conferences and meetings. The Training and Education International Scientific Committee has been especially active in this debate. Several national ICOMOS Committees already operate their own such ethical commitment statements. Many cultural and heritage organisations have already developed such documents, in a variety of spheres of professional interest.

In the ICOMOS Strategic Plan, the priority of developing such an international statement was recognised, and in 1999 the first of a series of drafts was presented to the ICOMOS Executive Committee for consideration. There has been extensive debate, and several versions circulated for comment.

The objective of the draft ICOMOS Ethical Commitment Statement is to clarify ethical conservation standards and principles, outlining an ICOMOS member's practical responsibility toward cultural heritage and toward fellow members. It should be a useful statement of principles for ICOMOS members and non-members alike.

The matter of using "post nominals" to indicate ICOMOS membership and recognise the professional nature of the organization is naturally raised in association with consideration of the draft ICOMOS Ethical Commitment Statement.

It is proposed that when ICOMOS members agree to the Statement of Ethical Commitment (e.g. via their national committee annual membership renewal, or when they first apply to be members), if they are suitably qualified and experienced, they may use the appellation / suffix (post nominals) after their name, to indicate their professionally recognised affiliation with an ICOMOS committee.

The operational management of the Statement is dependant upon the willingness of national and scientific committees to implement it. A particular issue for committees to consider is the handling of breeches. A sample guideline is attached for information. This is not as part of the Statement.

At the ICOMOS Bureau meeting in July 2001 in Malta, it was resolved that the draft Statement be presented to the Advisory Committee in Dubrovnik. This is indeed a subject for many minds to debate; it has been drawn from the many conferences and discussions to date and from reviewing concepts common to other such documents.

It is hoped that the final Ethical Commitment Statement for ICOMOS members will find acceptance and support as basic doctrine by the time of our General Assembly in 2002.

All comment and feedback most welcome.

PREAMBLE

ICOMOS, the International Council on Monuments and Sites, is the international non-governmental organisation, established in 1965 that works to promote the application of theory, methodology and scientific techniques applied to the conservation, protection and enhancement of the world's cultural heritage. It is an official advisory body to the World Heritage Committee on the implementation of the World Heritage Convention.

The world's cultural heritage includes monuments, sites and places that range from the monumental to the vernacular; from landscapes with intangible values, which reflect layers of social traditions to individual sites.

ICOMOS considers that the conservation of the world's diverse cultural heritage is the responsibility and privilege of current generations as well as the privilege and right of future generations.

The object of the ICOMOS Ethical Commitment Statement is to provide a tool to improve and clarify ethical conservation standards and principles useful amongst members and non-members alike who are active in conservation. The professional standards of conduct and obligations of a member of ICOMOS are not meant to provide specific solutions to particular problems.

The Ethical Commitment Statement will be reviewed every 5 years.

Article 1:

The fundamental obligation of an ICOMOS member is to advocate the conservation of monuments, sites and places so that their cultural significance is retained as reliable evidence of the past, doing as much as is necessary to care for them and support their ongoing use and maintenance but changing them as little as possible. This requires an holistic, dynamic and often multi-disciplinary approach to maintain authenticity and integrity.

Article 2:

ICOMOS members respect the diverse, dynamic and sometimes intangible values of places, monuments & sites that hold different meaning for various groups and communities, enriching human culture. Members are committed to facilitating effective community participation in conservation processes, seeking out those persons with a cultural interest in the monument, site or place and recognising that the co-existence of diverse cultural values requires recognition, respect and encouragement.

Article 3:

It is an ICOMOS member's responsibility to give professional advice and act in accordance with the spirit of the charters and doctrine of ICOMOS, relevant international conventions¹ recommendations of UNESCO and other relevant national conservation codes and charters.

Article 4:

ICOMOS members shall systematically attain and continuously maintain and update their professional awareness of contemporary conservation philosophy, practice and techniques including relevant legal requirements, furthering their development, exchanging information and sharing experience freely (subject to a client's or employer's right of confidentiality). Where applicable, ICOMOS members should also be members of the professional organizations/institutes affiliated with their training and field of work, adhering to their relevant codes and disciplinary standards.

¹ Including the UNESCO World Heritage Convention, 1972, the Convention on the Means of Prohibiting and Preventing of Illicit Import, Export and Transfer of Ownership of Cultural Property 1972 etc.

Article 5:

ICOMOS Members promote public awareness, appreciation, access and support for heritage, fostering informed debate, education, training programmes and in particular, international information exchange. They support fellow professionals and mentor junior colleagues by promoting ethical heritage conservation practice to advance the wider understanding of conservation philosophy, standards and methods.

Article 6:

ICOMOS members recognise that many conservation projects require an interdisciplinary approach, needing collaborative teamwork amongst professionals, technicians, administrators and craftspeople.

Article 7:

ICOMOS members ensure that complete, durable and accessible records are made of all research and conservation works (including diagnostic examination, monitoring techniques, managerial methods, preventive conservation and restoration intervention) on all conservation projects for which they are responsible, justifying their activities. Such documentation should be placed in a permanent archive and made publicly accessible as promptly as possible, (subject to requirements of client confidentiality, security and privacy), and where this is culturally appropriate.

Article 8:

In an emergency, where heritage monuments, sites and other places are in immediate danger or at risk, ICOMOS members render all assistance practicable.

Article 9:

ICOMOS members are personally and professionally accountable to their society and community for the authorship and validity of their advice, and for data collected, analyses performed and plans developed under their direction.

Article 10:

ICOMOS members actively discourage misrepresentation, false advertising and/or misuse of work and will fairly and accurately record and publicise the intellectual, material and practical contributions of others.

Article 11:

ICOMOS members oppose any manipulation or the concealment of results of their work to meet outside demands. ICOMOS members ensure appropriate disclosure of any limitations affecting their work due to insufficient resources, budgetary constraints or other factors.

Article 12:

ICOMOS members act in an honest, impartial and tolerant manner.
An ICOMOS member will always advise another member when undertaking a commission or providing a second opinion to assess or review work carried out by that member.

Article 13:

Members undertake to enhance and to uphold the dignity and reputation of ICOMOS. They conduct their professional activities in an open, honest, accountable and objective manner, avoiding any dishonesty, fraud or bias. Members shall at all times avoid or publicly declare any real or apparent conflict of interest.

Article 14:

A member may not claim to act or speak on behalf of ICOMOS or one of its committees, without the express authority of the relevant Executive Committee.

Article 15:

Failure to observe the principles and obligations of this statement constitutes unprofessional practice and will bring the profession into disrepute.

ICOMOS membership is contingent upon the member conforming to the provisions and the spirit of the Ethical Commitment Statement, which from time to time is amended by the Executive Committee of ICOMOS and ratified by members of an ICOMOS General Assembly.

GLOSSARY

“Authenticity” depending on the nature of the cultural heritage, and its cultural context, authenticity judgements may be linked to the worth of a great variety of sources of information. Aspects of the sources may include form and design, materials and substance, use and function, traditions and techniques, location and setting, and spirit and feeling, and other external aspects of information sources. The use of these sources permits elaboration of the specific artistic, historic, social and scientific dimensions of the cultural heritage being examined.²

“Conservation” means all the processes of looking after a place so as to retain its cultural significance. It may, according to circumstance, include the processes of retention or reintroduction of use, retention of associations and meanings, maintenance, preservation, restoration, reconstruction, adaptation and interpretation and will commonly include a combination of more than one of these.³

“Cultural significance” means: aesthetic, historic, scientific or social value for past, present or future generations⁴ Cultural significance is embodied in the place itself, its fabric, setting, use associations, meanings, records, related places and related objects.

“Values” means those belie [standards], which have significance for a cultural group or an individual, often including, but not being limited to spiritual, political, religious and moral beliefs.⁵ Places may have a range of values for different individuals or groups and values are continually renegotiated.

DRAFTING NOTES (not part of statement)

Sources

The basis of the draft Ethical Commitment Statement for ICOMOS members was drawn from debate and discussion with many ICOMOS members and from the analysis and comparison of a range of professional standards and codes of ethics worldwide. Many articles are conceptually common to almost all such codes

Authorship

Early drafts of the Ethical Commitment Statement for ICOMOS members were prepared by Sheridan Burke in January, June, and September 2001. The welcome comments of Gustavo Araoz, Dinu Bumbaru, Alan Croker, Bill Logan, Barry Jones, Sue Macdonald, Duncan Marshall, Robert Moore, Mary O’Keeffe, Michael Petzet, Marilyn Truscott and Ann Webster-Smith on these drafts are gratefully acknowledged.

Where to from here?

After presentation to the ICOMOS Bureau meeting in Malta in June 2001, and further circulation and input, the new draft was circulated for comment to all ICOMOS Committees at the ICOMOS Advisory Committee meeting in Dubrovnik in October 2001. It is now being amended and circulated to all ICOMOS members prior to its presentation for ratification at the 13th General Assembly of ICOMOS in 2002.

²Nara Document on Authenticity, 1994

³Australia ICOMOS Burra Charter, 1999

⁴Australia ICOMOS Burra Charter, 1999

⁵AHC. Draft Code on the Ethics of Co-existence in conserving significant places. Amendment to include the word [standards] requested by ICOMOS Executive Committee, Paris, March 2001

All comment and feedback is most welcome:
 Sburke@ho.hht.nsw.gov.au
 Fax + 612 9958 7955
 Post: 25 Cobar Street, Willoughby, 2068, NSW, AUSTRALIA

OPERATIONAL MANAGEMENT OF THE STATEMENT

National committees may determine membership standards regarding qualifications and experience to be met in order to become an ICOMOS member. It is generally required that applicants have attained appropriate professional qualifications and a minimum of three years appropriate experience in practical work and policy development. ICOMOS Associates are interested supporters of ICOMOS, who may not meet criteria for full membership.

It is proposed that agreement to the ICOMOS Ethical Commitment Statement will be incorporated into the annual membership renewal forms of national committees in addition to such qualifications and experience requirements as are already indicated. Post-nominals to indicate full ICOMOS national membership may THEN be used. It is suggested that M.ICOMOS be used as post nominals to denote full members of ICOMOS.

The implementation of the Ethical Commitment Statement is dependent upon the willingness of national and scientific committees. Implementation will primarily include educational activity and professional guidance, but may occasionally encompass investigation of inappropriate conduct. National ICOMOS Executive Committees may manage any breach of the Ethical Commitment Statement by investigating claims of misconduct. The National Committee will first discuss the matter with the member in a mediation context.

Some national and scientific committees already use operational guidelines to manage breaches of ethical professional behaviour by their members. It is noted that these should be matters of professional conscience, not for civil legal action. However, given the litigious societies in which we live, legal advice is strongly recommended.

Sample Guidelines for management of breaches of Ethical Commitment Statement by national or scientific committees.

"If a complaint is made to the Executive Committee of X nation ICOMOS, or the committee otherwise becomes aware of or is in the opinion that any member may have acted or be acting in a manner contrary to the objectives of ICOMOS, or likely to bring the conservation profession into disrepute, or is conducting themselves in an improper, unethical or unprofessional manner, then the matter shall be dealt with at the discretion of the Executive Committee, as follows.

The committee or its representative will advise the member, discuss the issue and allow both the member and the inquirer to present their case. The Executive Committee will simultaneously issue a response to the inquirer and the member.

If the Executive Committee resolves by a majority of two-thirds of the members present that the member whose conduct has been the subject of investigation has wilfully acted in the aforesaid manner, the Executive may enact disciplinary sanctions such as cautions, reprimands, suspension or expulsion from ICOMOS.

If the complaints are found to be unsubstantiated, the Executive Committee shall dismiss the complaints and its decision will be final

A member may submit a notice in writing of an appeal against decisions within 14 days of notification of the Executive Committee's decision. Such an appeal shall be conducted not earlier than 14 days and not later than 28 days after the service of the notice".

GEOLOGIST LICENSING ACT IN UTAH HAS POTENTIAL TO AFFECT CRM ARCHAEOLOGY

Matthew T. Seddon

Matthew T. Seddon of SWCA Environmental Consultants in Salt Lake City is the current President of the Utah Professional Archaeological Council (UPAC).

The State of Utah recently passed an act establishing licensing rules for professional geologists that will potentially require geology, geomorphology, and geoarchaeology performed as part of archaeological projects undertaken in order to ensure compliance with Federal historical and environmental laws to be executed by or approved by a licensed geologist. Explicitly archaeological work is excluded, but geoarchaeology and related studies, will require licensure. The act will take effect Jan. 1, 2003, weblinks for the text of the act and related rules and statutes are provided at the end of this article.

Representing the Utah Professional Archaeological Council (UPAC), I attended a meeting of the geology licensing board at the Division of Occupational and Professional Licensing (DOPL) in early July and an administrative hearing in mid-August to try to minimize the effects of the act on the practice of archaeology in Utah.

Based on that meeting, later discussions, and further reading, I can provide the following summary of the act and the various ways in which it may affect archaeology in Utah. However, as a disclaimer, I recommend that you read the act and keep up on it yourself, I am not a lawyer, I can't make legal recommendations, and I do not guarantee that this summary is anything more than a reflection of my personal understanding of the law and practice.

The Act

The act defines "geology" as "the science, which treats the study of the earth in general, the earth's processes and history, investigation of the earth's crust and the rocks and other materials of which it is composed, and the applied science of utilizing knowledge of the earth's history, processes, constituent rocks, minerals, liquids, gases, and other materials for the use of mankind." (Utah

State Code, Title 58, Chapter 76, Section 102(2)). The act defines the practice of geology before the public as "the performance of geology including but not limited to consultation, investigation, evaluation, planning, geologic mapping, interpretation of geologic data, preparation of geologic reports, geologic cross-sections and geologic maps, inspection of geological work, and the responsible supervision thereof, the performance of which is relevant to public welfare or the safeguarding of life, health, property, and the environment, except as otherwise specifically provided this chapter." (58-76-102(3)).

Qualifications for licensure will involve a combination of education, experience, and (after 2003) an exam. The educational requirements include a degree in "geosciences." With a B.A., 5 years of additional supervised experience are required; with an M.A., 3 years of experience are required, and with a Ph.D., 1 year of experience is required. During 2003, licensure can be obtained simply on the basis of education and experience. After 2003, the applicant will also have to pass "(a) the ASBOG Fundamentals of Geology ("FG") Examination with a passing score as recommended by the ASBOG; and (b) the ASBOG Principles and Practice of Geology ("PG") Examination with a passing score as established by the ASBOG" (R156-76-302(d)).

Taken at face value, the definitions of "geology" under the act are extremely broad and could be construed to include archaeological practice. In fact, the Utah Division of Occupational and Professional Licensing (DOPL) initially said as much, arguing that since archaeology involves "stuff in the earth," it is included under the act. Thus, UPAC was present at a number of meetings of the Geology Licensing Board to try and get an exclusion for archaeological work explicitly written into the act.

An Exemption for Archaeology

We were generally successful in getting an exemption. The Geology Licensing Board stated that they never intended to try and license archaeology, and were very

cooperative and amenable to granting an explicit exemption. An exclusion has been written into the rules that reads:

“Practice of Geology before the public does not include the following aspects of the practice of anthropology and archeology:

- (a) archeological survey, excavation, and reporting;
- (b) production of archeological plan views, profiles, and regional overviews; or
- (c) investigation and reporting of artifacts or deposits that are modified or affected by past human behavior.” (R156-76-102(5)).

While I recommend that everyone review the law and rules thoroughly and draw their own conclusions in regard to every practice they undertake, this exemption should cover most archaeological work. It should also cover a lot of ancillary studies (such as sourcing of obsidian artifacts, pollen analysis, etc.) since “artifacts or deposits that are modified or affected by past human behavior” are excluded. UPAC was pleased to score a small victory in this case.

No Exemption for Geoarchaeology

However, we were unable to get an exemption for geoarchaeological (geomorphological, sedimentological, etc.) work performed in support of archaeology. The Geology Licensing Board and DOPL basically felt that geoarchaeological work was too close to geology in practice for an exemption to be granted in the rules. Despite numerous letters of support for an exemption for Geoarchaeology from UPAC members and other organizations such as the Society for American Archaeology, the Geoarchaeological Interest Group of the SAA, etc., DOPL basically shut the door on gaining an exemption for geoarchaeology. They argued primarily that such an exemption would cross into areas that should be defined by the Utah Legislature, and is out of the scope of what can be done in “Rules.”

As it stands, requiring licensure for geoarchaeologists would affect the practice of archaeology in Utah, particularly for excavation projects done by consultants under NEPA or NHPA. There are exemptions in the general act for purely academic research and for government agency archaeologists. As we see it, for compliance projects, any geoarchaeological work performed would need to at least be “approved” or

“signed-off” by a licensed geologist. This involves having a licensed geologist affix a seal to original sets of “geological” maps/profiles, etc., and reproducing said seal in the report. The work doesn’t actually have to be performed by a licensed geologist, but the final report will have to be approved by one who will affix the seal.

The Bottom Line

Thus, any firm conducting excavations in Utah involving or including geoarchaeology or geomorphology will need to either have a licensed geologist on staff or subcontract out to one, in order to get the seal onto the geoarchaeology sections and profiles in the report.

In summary:

- 1) For all of the explicitly geological and paleontological work compliance consulting archaeologists do (or sub out) in Utah, it will need to be performed or supervised by (and signed / stamped off on) by a licensed geologist after January 1, 2003.
- 2) For geomorphology, geoarchaeology, soil studies, etc., performed as part of compliance archaeology in Utah, a licensed geologist will be needed after January 1, 2003.
- 3) To be licensed, the geomorphologist or geoarchaeologist will have to have a “geosciences degree” (not a degree in archaeology with a specialization in geoarchaeology), experience, and (starting in 2004) pass the hard rock geology exam.

If I can be permitted to editorialize, there are several key points that appear to have been lost in some of the ensuing list-serv debates over this issue. The issue that UPAC has contested in this case is not licensing in general or the licensing of archaeology specifically. The concern has been that geologists are now going to be licensing work done by and for archaeological projects. Thus, now for certain projects in Utah, in addition to having your usual staff of permitted archaeologists, you will need a licensed geologist or you will need to sub out to one. Even if the impact seems minor, it is an impact. The impact is likely to be more heavily borne by small firms, who may not have a geologist on staff and who frequently compete on a cost basis. Their costs will now increase, as they either have to hire a geologist or sub out to one. Many trained geoarchaeologists will not meet the licensing requirements, as they will not have a formal degree in “geosciences” and they will not have

R P A N O T E S

the training to pass the hard rock geology exam that will be required.

Another key point is that this will be law, and Utah's DOPL will be very interested in enforcing it. I met their enforcement officer, and he is clearly a motivated individual who will pursue complaints vigorously (to put it nicely). Thus, even if you read the law and think that maybe you can find a way to wiggle out of it, it needs to be realized that DOPL will probably will not read the law as you have. Once a complaint has been lodged, they will pursue it. Pursuing it will involve having DOPL crawl all over your files, court appearances, etc. You will probably need a lawyer, and it will probably be costly, even if you win. Thus, we have consistently felt that it is better to have an upfront exclusion than to attempt to work around the law by interpreting it favorably.

Currently, UPAC is considering our options. The only potential way to gain some type of exemption for geoarchaeology or to gain a change in the rules to make it easier for a geoarchaeologist to be come licensed is to pursue a change to the law itself in the legislature. As these actions will cost time and money, we are trying to decide how big of an issue this is, and how much we want to expend to continue fighting it.

As a final recommendation, I would advise ACRA-member firms working in states without existing geologist licensing acts to keep an eye out. More and more states are requiring geologist licensing, and it is

far easier to get exclusions to acts while they are in legislative development.

Links to the act and related rules:

The overall "umbrella" act, which defines licensing in general in Utah and is relevant for the general exemptions it contains, can be found at:

http://www.dopl.utah.gov/licensing/statutes_and_rules/58-1.doc

The specific geologist licensing act can be found at:

http://www.dopl.utah.gov/licensing/statutes_and_rules/58-77.doc

The administrative rules will be posted shortly at:

http://www.dopl.utah.gov/licensing/geologist_sub_page.html

The license application can be downloaded from:

<http://www.dopl.utah.gov/licensing/forms/013.pdf>

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**TITLE 58, CHAPTER 77, UTAH CODE ANNOTATED 1953
AS ENACTED BY SESSION LAWS OF UTAH 2002
ISSUED MAY 6, 2002**

Part 1 - General Provisions

58-77-103. Education and enforcement fund.

58-77-101. Title.

This chapter is known as the "Professional Geologist Licensing Act".

- (1) There is created within the General Fund a restricted account known as the "Professional Geologist Education and Enforcement Fund."
- (2) The account shall be nonlapsing and consist of monies from:

58-77-102. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Board" means the Professional Geologist Licensing Board created in Section 58-77-201.
- (2) "Geology" means the science, which treats the study of the earth in general, the earth's processes and history, investigation of the earth's crust and the rocks and other materials of which it is composed, and the applied science of utilizing knowledge of the earth's history, processes, constituent rocks, minerals, liquids, gases, and other materials for the use of mankind.
- (3) "Practice of geology before the public" means the performance of geology including but not limited to consultation, investigation, evaluation, planning, geologic mapping, interpretation of geologic data, preparation of geologic reports, geologic cross-sections and geologic maps, inspection of geological work, and the responsible supervision thereof, the performance of which is relevant to public welfare or the safeguarding of life, health, property, and the environment, except as otherwise specifically provided this chapter.
- (4) "Professional geologist" means a person licensed under this chapter to engage in the practice of geology before the public.
- (5) "Responsible charge" means the independent control and direction by use of initiative, skill, and independent judgment of geological work or the supervision of the work.
- (6) "Subordinate" means any individual who practice geology or assists a professional geologist in the practice of geology before the public without assuming the responsible charge for the work.
- (7) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-77-501.
- (8) "Unprofessional conduct" is as defined in Section 58-1-501 and as may be further defined by rule by the division in collaboration with the board.

- (a) a surcharge fee established by the department in accordance with Section 63-38-3.2, placed on initial, renewal, and reinstatement licensure fees under this chapter not to exceed 50% of the respective initial, renewal, or reinstatement licensure fee;
- (b) administrative penalties collected pursuant to this chapter; and
- (c) interest earned on monies in the account.
- (3) Monies in the account may be appropriated by the Legislature for the following purposes:
 - (a) education and training of licensees under this chapter;
 - (b) education and training of the public or other interested persons in matters concerning geology laws and practices;
 - (c) enforcement of this chapter by:
 - (i) investigating unprofessional or unlawful conduct;
 - (ii) providing legal representation to the division when legal action is taken against a person engaging in unprofessional or unlawful conduct; and
 - (iii) monitoring compliance of renewal requirements; and
 - (d) education and training of board members.

Part 2 - Board

58-77-201. Board.

- (1) There is created the Professional Geologist Licensing Board consisting of five members as follows:
 - (a) three professional geologists;
 - (b) the Utah state geologist; and
 - (c) one member representing the general public.
- (2) Except for the Utah state geologist, the board shall be appointed and serve in accordance with Section 58-1-201.
- (3) The duties and responsibilities of the board are

R P A N O T E S

in accordance with Sections 58-1-202 and 58-1-203, and the board shall also:

- (a) designate one of its members on a permanent or rotating basis to assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of professional geologists; and
 - (b) advise the division in its investigation of these complaints.
- (4) A board member who has, under Subsection (3), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

Part 3 - Licensing

58-77-301. License required — License classifications.

- (1) After January 1, 2003, a license is required to engage in the practice of geology before the public except as specifically provided in Sections 58-1-307 and 58-77-304.
- (2) The division shall issue to a person who qualifies under the provisions of this chapter a license in the classification of professional geologist.

58-77-302. Qualifications for licensure.

Each applicant for licensure as a professional geologist shall:

- (1) submit an application in a form prescribed by the division;
- (2) pay a fee as determined by the department under Section 63-38-3.2;
- (3) be of good moral character;
- (4) provide satisfactory evidence of:
 - (a) a bachelors or graduate degree in the geosciences granted through an institution of higher education that is accredited by a regional or national accrediting agency with a minimum of 30 semester or 45 quarter hours in course work in the geosciences; or
 - (b) completion of other equivalent educational requirements as determined by the division in collaboration with the board;
- (5) provide satisfactory evidence of:
 - (a) with a bachelors degree, a specific record of five years of active professional practice in geological work of a character satisfactory to the division, indicating the applicant is competent to be placed in a responsible charge of the work;
 - (b) with a masters degree, a specific record of three years of active professional practice in geological work of a character satisfactory

to the division, indicating the applicant is competent to be placed in a responsible charge of the work; or

- (c) with a doctorate degree, a specific record of one year of active professional practice in geological work of a character satisfactory to the division, indicating the applicant is competent to be placed in a responsible charge of the work; and
- (6) after January 1, 2004, meet the examination requirement established by rule by the division in collaboration with the board.

58-77-303. Term of license — Expiration - Renewal

- (1) (a) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule.
- (b) A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
- (2) Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

58-77-304. Exemption from licensure.

In addition to the exemptions from licensure in Section 58-1-307, the following may engage in the practice of geology, subject to the stated circumstances and limitations, without being licensed under this chapter if they do not use the title of professional geologist or are not directly represented or held out to the public to be legally qualified to engage in the practice of geology before the public in this state:

- (1) an employee or subordinate of a professional geologist licensed under this chapter, or any employee of an individual exempted from licensure under this Subsection (1) or Subsection (2), provided that the employee's or subordinate's practice does not include responsible charge;
- (2) qualified engineers and land surveyors, licensed under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act, who do not intentionally represent themselves to be professional geologists;
- (3) an individual, individual practitioner, or regular full-time employee of a firm, partnership, association, corporation, or other business entity engaged in the exploration for and development of coal, uranium, oil, natural gas, geothermal or other energy resources, precious and

nonprecious metals and minerals, and industrial and other minerals, including sand, gravel, and aggregate if the geological work is performed solely for internal use within the company and is not offered directly to the public;

- (4) an individual engaged in teaching or research in the physical or natural sciences who is not otherwise engaged in practicing geology before the public;
- (5) an individual providing agricultural or agronomic soils analyses, sampling, or laboratory testing; and
- (6) an employee of a communications, utility, railroad, mining, petroleum, or manufacturing company, or an affiliate of such a company, if the geological work is performed solely for internal use within the company and is not offered directly to the public.

Part 4 - License Denial and Discipline

58-77-401. Grounds for denial of license — Disciplinary proceedings.

Division grounds for refusal to issue a license to an applicant, for refusal to renew the license of a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a public or private reprimand to a licensee, and to issue cease and desist orders are in accordance with Section 58-1-401.

Part 5 - Unlawful and Unprofessional Conduct

58-77-501. Unlawful conduct.

In addition to the definition in Subsection 58-1-501(1), “unlawful conduct” includes:

- (1) using the title “Professional Geologist” or any other words, letters, abbreviations, or designations, which represent recognized professional geological disciplines indicating that the person using them is a professional geologist, unless the person holds a valid license issued under this chapter; or
- (2) as a corporation, proprietorship, partnership, or limited liability company, engaging in or representing that the entity is engaging in the practice of geology before the public, unless at least one individual employee of the entity holds a valid license issued under this chapter.

58-77-502. Penalty for unlawful conduct.

- (1) (a) If, upon inspection or investigation, the division concludes that a person has violated Section 58-77-501 or any rule or order issued with respect to Section 58-77-

501, and that disciplinary action is appropriate, the director or his or her designee from within the division shall promptly issue a citation to the person according to this chapter and any pertinent rules, attempt to negotiate a stipulated settlement, or notify the person to appear before an adjudicative proceeding conducted under Title 63, Chapter 46b, Administrative Procedures Act.

- (i) A person who violates Subsections 58-1-501(1)(a) through (d) or Section 58-77-501 or any rule or order issued with respect to Section 58-77-501, as evidenced by an uncontested citation, a stipulated settlement, or by a finding of violation in an adjudicative proceeding, may be assessed a fine pursuant to this Subsection (1) and may, in addition to or in lieu of, be ordered to cease and desist from violating Subsections 58-1-501(1)(a) through (d) or Section 58-77-501 or any rule or order issued with respect to this section.
- (ii) Except for a cease and desist order, the licensure sanctions cited in Section 58-77-401 may not be assessed through a citation.
- (b) A citation shall:
 - (i) be in writing;
 - (ii) describe with particularity the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated;
 - (iii) clearly state that the recipient must notify the division in writing within 20 calendar days of service of the citation if the recipient wishes to contest the citation at a hearing conducted under Title 63, Chapter 46b, Administrative Procedures Act; and
 - (iv) clearly explain the consequences of failure to timely contest the citation or to make payment of any fines assessed by the citation within the time specified in the citation.
- (c) The division may issue a notice in lieu of a citation.
- (d) Each citation issued under this section, or a copy of each citation, may be served upon any person whom a summons may be served in accordance with the Utah Rules of Civil Procedure and may be made personally or upon his agent by a division investigator or by any person specially designated by the director or by mail.
- (e) If within 20 calendar days from the service

- of the citation, the person to whom the citation was issued fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review. The period to contest a citation may be extended by the division for cause.
- (f) The division may refuse to issue or renew, suspend, revoke, or place on probation the license of a licensee who fails to comply with a citation after it becomes final.
- (g) The failure of an applicant for licensure to comply with a citation after it becomes final is a ground for denial of license.
- (h) No citation may be issued under this section after the expiration of six months following the occurrence of any violation.
- (i) The director or his designee shall assess fines according to the following:
- (i) for a first offense handled pursuant to Subsection (1)(a), a fine of up to \$1,000;
 - (ii) for a second offense handled pursuant to Subsection (1)(a), a fine of up to \$2,000; and
 - (iii) for any subsequent offense handled pursuant to Subsection (1)(a), a fine of up to \$2,000 for each day of continued offense.
- (2) An action initiated for a first or second offense which has not yet resulted in a final order of the division shall not preclude initiation of any subsequent action for a second or subsequent offense during the pendency of any preceding action. The final order on a subsequent action shall be considered a second or subsequent offense, respectively, provided the preceding action resulted in a first or second offense, respectively.
- (3) Any penalty which is not paid may be collected by the director by either referring the matter to a collection agency or bringing an action in the district court of the county in which the person against whom the penalty is imposed resides or in the county where the office of the director is located. Any county attorney or the attorney general of the state shall provide legal assistance and advice to the director in any action to collect the penalty. In any action brought to enforce the provisions of this section, reasonable attorney's fees and costs shall be awarded to the division.
- and implementation of which shall be established by rule by the division in collaboration with the board.
- 58-77-602. Geologic maps, cross-sections, reports, and documents to be sealed.
- (1) Any final geologic maps, cross-section, or report prepared in this state shall bear the seal of a professional geologist licensed under this chapter, except as provided in Section 58-77-304.
 - (2) Any final geologic map, cross-section, sketch, drawing, plan, or report prepared by, or under the supervision of, a professional geologist shall bear the seal of the professional geologist when submitted to a client or when filed with public authorities, even if the practice is exempt from licensure under Section 58-77-304.
- 58-77-603. Seal — Authorized use.
- A professional geologist may only affix the licensee's seal to a geologic map, cross-section, sketch, drawing, plan, or report if the geologic map, cross-section, sketch, drawing, plan, or report:
- (1) was personally prepared by the licensee;
 - (2) was prepared by an employee, subordinate, associate, or drafter under the supervision of a licensee, provided the licensee or a principal affixing his seal assumes responsibility;
 - (3) was prepared by a licensed professional geologist in this state or any other state provided:
 - (a) the licensee in this state affixing the seal performs a thorough review of all work for compliance with all applicable laws and rules and the standards of the profession; and
 - (b) makes any necessary corrections before submitting the final plan, specification, or report:
 - (i) to a public authority; or
 - (ii) to a client who has contracted with a professional geologist for the geologic map, cross-section, or report to be complete and final;
 - (4) was prepared in part by a licensed professional geologist in this state or any other state provided:
 - (a) the licensee in this state clearly identifies that portion of the geologic map, cross-section, or report for which the licensee is responsible;
 - (b) the licensee in this state affixing the seal performs a thorough review of that portion of the geologic map, cross-section, or report

Part 6 - Practice Standards

58-77-601. Seal — Design and implementation.

Every professional geologist shall have a seal, the design

— (continued on page 25) —

ELECTION RESULTS

SECRETARY/TREASURER 2003-2004

Roper, C. Kristina, M.A.
43574 Dinelly Drive
Three Rivers, CA 93271
Phone: 559-561-6011
Fax: 559-561-6041
E-mail: kroper@ix.netcom.com

GRIEVANCE COORDINATOR

Gary L. Moore
Consulting Archaeologist
732 Old Apple Valley Rd
Lyons, CO 80540
Business Phone: 303-823-5703
E-mail: gccmoore@msn.com

GRIEVANCE COORDINATOR ELECT

Clay, R. Berle, Ph.D.
Supervisory Archaeologist
143 Walton Avenue
Lexington, KY 40508
Affiliation: Cultural Resource Analysts, Inc.
Business Phone: 606-277-6976
Business Fax: 606-254-3747
E-mail: rbclay@crai-ky.com

STANDARDS BOARD

Moratto, Michael J., Ph.D.
Lecturer; Archaeologist
Department of Geography
California State University, Fresno
2555 E. San Ramon, MS SB69
Fresno, CA 93740-8034
Business Phone: 559-855-5750
Business Fax: 559-278-7268
E-mail: michael_moratto@csufresno.edu

STANDARDS BOARD ALTERNATE

Rotman, Deborah L., Ph.D.
Principal Investigator
151 Walton Avenue
Lexington, KY 40508
Affiliation: Cultural Resource Analysts, Inc
Business Phone: 859-252-4737
Business Fax: 859-254-3747
E-mail: drotman@crai-ky.com

NOMINATIONS COMMITTEE CHAIR

Simpson, Kay, Ph.D.
Vice President, Southeast, Cultural Resources
The Louis Berger Group, Inc.
203 East Cary Street
Suite 100
Richmond, VA 23219
Business Phone: 804-225-0348
Business Fax: 804-643-5916
E-mail: ksimpson@louisberger.com

NOMINATIONS COMMITTEE MEMBER

Kaiser, Alan, Ph.D.
Assistant Professor
Department of Archaeology
University of Evansville
1800 Linclon Avenue
Evansville, IN 47722
Business Phone: 812-488-1049
Business Fax: 812-479-2320
E-mail: ak58@evansville.edu

NOMINATIONS

The Register's newly elected Nominations Committee has been making good progress, but they certainly would appreciate some suggestions. Please take some time to think of some good candidates for the following positions:

- President-Elect (2-yr term, followed by a 2-yr term as President)
- Registrar (2-yr term)
- Standards Board Member (3-yr term)
- Standards Board Alternate (3-yr term)
- Nominations Committee Chair (1-yr term)
- Nominations Committee Member (1-yr term)

Please give the Nominations Committee a hand. Contact Kay Simpson, Chair of the Nominations Committee, at: ksimpson@louisberger.com

— (continued from page 23) —

- for which the licensee is responsible for compliance with the standards of the profession; and
- (c) makes any necessary corrections before submitting the final geologic map, cross-section, or report for which the licensee is responsible:
- (i) to a public authority; or
 - (ii) to a client who has contracted with a professional geologist for the geologic map, cross-section, or report to be complete and final;
- (5) was prepared by a person exempt from licensure as a professional geologist provided that:
- (a) the licensee in this state affixing the seal performs a thorough review for compliance with all applicable laws and rules and the standards of the profession; and
 - (b) makes any necessary corrections before submitting the final geologic map, cross-section, or report:
 - (i) to a public authority; or
 - (ii) to a client who has contracted with a professional geologist for the geologic map, cross-section, or report to be complete and final; or
- (6) meets any additional requirements established by rule by the division in collaboration with the board.

R P A D I S P L A Y & R E C R U I T M E N T I N F O R M A T I O N

Available for Regional
Meetings and Events

For Information Contact:

Robert Clouse, Recruitment Committee Chair
 Director, Office of Archaeological Services
 University of Alabama
 13075 Moundville Archaeological Park
 Moundville, AL 35474
 205-371-8718
[<rrclouse@bama.ua.edu>](mailto:rrclouse@bama.ua.edu)

FROM THE R P A B U S I N E S S O F F I C E

We encourage all RPAs to remind new graduates that the Register application fee is waived for the first six months after their degree is awarded (i.e., application is **FREE**).



NOTES

5024-R Campbell Blvd. Baltimore, MD 21236-5974

RPA NOTES©

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The purpose of RPA Notes is to provide members with the latest information on the organization's activities.

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Managing Editor

Sue Linder-Linsley, RPA
Department of Anthropology
Southern Methodist University
Dallas, TX 75275-0336
214-768-2938
fax 214-768-2906
email: slinder@mail.smu.edu

RPA Business Office

5024-R Campbell Blvd.
Baltimore, MD 21236-5974
410-933-3486
fax 410-931-8111
email: register@clemonsmgmt.com
<<http://www.rpanet.org>>

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