COMPLAINTS

1. Scope

The goal of the American Board of Criminalistics is to have all complaints, including those alleging professional negligence or misconduct, resolved in a timely manner. All time frames listed in this procedure may be extended, if necessary, by the ABC President. Complaints will be handled confidentially. *See Personnel Agreement 04-0001F.*

2. General Information

2.1 All complaints must be addressed in writing to the Registrar's Office. The complainant must provide enough information for the ABC to adequately investigate the complaint.

2.2 The Complainant is defined as the individual or organization who made the complaint.

2.3 The Respondent is defined as the Certificant or Affiliate of the ABC who is the subject of the complaint.

2.4 Complaints may be made anonymously; however, an anonymous complaint could hinder the investigation if further information is needed. If adequate information is not provided and the ABC does not have a means to contact the Complainant or other resources to obtain the information, the investigation may be suspended.

2.5 Should the Board of Directors become aware of a potential violation of the Rules of Professional Conduct (09-0001F), the Board may self-initiate an investigation.

2.6 The Board of Directors will address all complaints against the ABC.

2.6.1 Complaints against personnel should be addressed per the policy on *Personnel (06-00)*.

2.6.2 Complaints against the quality system should be addressed per the procedure for *Quality Concerns (10-02)*.

2.6.3 Complaints against examinations should be addressed to the relevant Examination Coordinator and the Examination Committee Chair. The Examination Coordinator and the Examination Committee Chair will determine if the complaint warrants a Quality Reporting Form as identified in *Quality Concerns (10-02).*

2.6.4 Ethics complaints, where an individual is alleged to have violated the ABC Rules of Professional Conduct (09-0001F), will be addressed following the procedures in Sections 3 through 9.

2.7 Disciplinary action including probation, suspension, and revocation of certification can occur for one or more of the following reasons:

- An intentional misstatement or misrepresentation, or concealment or omission, of a material fact or facts in any communication to the Board of Directors or its representatives.
- Conviction of Certificant by a court of competent jurisdiction of a felony or of any crime involving moral turpitude.

- Violation of the Rules of Professional Conduct by a Certificant.

2.8 The Registrar will acknowledge receipt of the complaint within 14 days (09-0102T).

2.9 Within 14 days, the Registrar will forward the complaint to the personnel responsible for reviewing the complaint. The responsible personnel will track the complaint and ensure the complaint is resolved fairly and in a timely manner.

2.10 For ethics complaints, refer to Section 3. For non-ethics complaints,

2.10.1 The responsible personnel will review the complaint to ensure the complaint relates to ABC certification activities. The review will occur within 30 days of receipt of the complaint.

2.10.2 The responsible personnel will gather and verify the information to validate the complaint.

2.10.3 Upon resolution of the complaint, the responsible personnel will communicate the decision on the complaint to the Secretary, who will notify the complainant of the resolution (09-0106T).

2.10.3.1 If the resolution is a personnel matter, the complainant will only be notified that a resolution has been reached; however, the specifics of the resolution will not be outlined.

3 General Considerations for an Ethics Complaint

3.1 For ethics complaints, a Complaint Review Panel (CRP) will be created to discuss the complaint and to determine a plan of action. Minimally, the responsible personnel will address the complaint.

3.2 The Secretary of the organization will review all decisions prior to dissemination. The review will ensure the complaint is being handled according to organization policies and procedures. Additionally, the Secretary will be the primary correspondent with the Complainant and Respondent, therefore the Secretary may not participate in any CRP deliberation or meeting other than to record minutes.

3.3 The Ethics Chair will serve as an advisor to the CRP. The duties of the Chair include:

- ensuring that the procedure is followed and that deadlines are met
- providing guidance to the CRP
- ensuring that complaints are managed fairly
- being present for all panel meetings
- casting a vote in the event of a tie

3.2.1 In the event that the Ethics Chair does not agree with the Committee's decision(s), the Chair will communicate their opinion and request the Committee reconsider the decision.

3.2.2 Ultimately, the Ethics Chair will have the final authority over the decisions of the panel.

3.4 The ABC will investigate complaints as thoroughly as possible.

3.4.1 During the investigation, the ABC may find that there has been a violation of one or more of the Rules of Professional Conduct that was not listed in the initial complaint.

3.4.2 The investigation may be suspended or terminated at any time at the discretion of the Ethics Chair. The circumstances that could precipitate suspending the process may include, but are not limited to:

- it becomes known that the circumstances surrounding the complaint are being dealt with by a court or any other competent body (e.g., a state forensic science commission or licensing board).
- if the respondent relinquishes his/her certification upon notification of the complaint
- if all investigative leads have been exhausted

3.5 If the process is suspended, the Complainant and the President of the ABC will be notified (09-0101T). The Respondent will only be notified if correspondence with them regarding the complaint has been initiated.

3.5.1 The investigation may be resumed at any time at the discretion of the Ethics Chair.

3.6 The Complainant and Respondent will be kept abreast of the progress of the complaint as set forth in this procedure. Copies of correspondence between the ABC and the Complainant or Respondent will be maintained in the corresponding ethics file.

3.7 If, during the course of the complaint investigation or resolution, the Ethics Chair or Complaint Review Panel feels that corrections or corrective actions may be necessary, a Quality Report will be generated. *See 10-02 Quality Concerns.*

3.8 Reports generated will be nonjudgmental and will present a concise summary of the facts for both parties. Their contents shall be treated as confidential and not publicized.

3.9 The Secretary will ensure that all communications to the Complainant and Respondent are received.

4 Processing an Ethics Complaint

4.1 Within 14 days after the receipt of the ethics complaint, the Registrar will submit copies of the letter of complaint to the Secretary and President and include a copy in the corresponding Ethics folder.

4.2 Within 30 days of the initial receipt of the complaint by the Registrar, the President will form a CRP consisting of at least three members of the Board of Directors and/or Examination Committee (EC). One member will be appointed as the Panel Lead.

4.2.1 The President will ensure that there is no conflict of interest between any member of the panel, including the Ethics Chair, and the Complainant or Respondent. If a conflict of interest is identified, the President will assign a new member to the panel or will appoint a temporary Ethics Chair.

4.2.2 If either the Complainant or Respondent is a Board or EC member, at least one member of the CRP will be from outside of the ABC and may be a former Board or EC member.

4.2.3 The CRP will treat all information gathered confidentially. Members of the CRP will be required to sign a confidentiality agreement if they have not already done so as a member of the Board or EC.

4.3 Records associated with an ethics complaint, including copies of correspondence between the ABC and the Complainant or Respondent, will be uploaded into the Ethics Committee shared drive in Google Drive. The folder access will be limited to the Accreditation Manager, Registrar, Secretary, Ethics Chair, and CRP members.

4.4 It is the responsibility of the CRP to perform a preliminary review of the complaint documentation provided to determine if the allegations fall under the Rules of Professional Conduct. This review is not limited to only the rules outlined in the original letter of complaint.

4.4.1 The preliminary review will be completed within 21 days of the appointment of the panel.

4.4.2 The decision of the CRP will be one of the following:

- Dismissal: The complaint should be dismissed. No further action will be taken.
- Further Investigation: The complaint should be further investigated.

4.5 Preliminary review notifications

4.5.1 The Ethics Chair will notify the Secretary of the preliminary review outcome and carbon copy the President.

4.5.2 If the outcome is dismissal, the Secretary will notify the Complainant (09-0106T).

4.5.3 If further investigation is recommended, the Respondent will be notified (09-0103T).

4.5.3.1 This notification will include a summary of the complaint; however, the name of the Complainant(s) will not be provided to the Respondent. The notification will cite the ABC website where information regarding the complaint process is located.

4.5.3.2 The Respondent may provide rebuttal information. Rebuttal information must be postmarked within 30 days of the postmark of the notification.

4.5.3.2.1 If additional information is received, the Registrar will notify the Ethics Chair of its receipt, who will in turn notify the CRP. The information will be placed in the relevant shared folder in Google Drive.

4.5.4 If the Respondent relinquishes his/her certification upon notification of the complaint, the Ethics Chair can terminate the investigation.

4.5.4.1 The Secretary will notify the Complainant of the termination of the investigation (09-0101T) with a carbon copy to the Registrar and President.

5 Ethics Complaint Review Panel (CRP) Investigation

5.1 Additional members or subject matter expert(s) may be added to the CRP at the request of the CRP Lead. Subject matter experts do not vote.

5.2 The CRP will be responsible for gathering and verifying all necessary information to validate the complaint. If additional information is needed from the Complainant or the Respondent, the Panel Lead or Ethics Chair will ask the Secretary to request the necessary information.

5.2.1 The Respondent and/or Complainant must provide the information within 30 days. The Respondent and/or Complainant must notify the Secretary if they cannot meet this deadline.

5.2.2 If the CRP has additional questions for the Complainant at any point in the process, they have the option to request the Secretary schedule a meeting with the Complainant.

5.3 Any expenses related to a complaint investigation must be approved by the Board of Directors.

5.4 The CRP members will evaluate the complaint to determine if the complaint is terminated or will move forward to a meeting with the Respondent.

5.5 The CRP Lead will generate a report of the results of the investigation within 6 months of the beginning of the investigation.

5.5.1 The report will be reviewed by the Ethics Chair and then placed into the appropriate folder on the Google Drive.

5.5.2 If more time is needed for the investigation, the Ethics Chair and CRP Lead will determine an appropriate time frame. The Ethics Chair will request approval of the adjusted due date from the President.

5.6 Investigations Notifications

5.6.1 The Ethics Chair will notify the Secretary and President of the outcome of the investigation.

5.6.2 If the complaint is dismissed, the Secretary will notify the Complainant and Respondent (09-0106T) with a carbon copy to the President and Registrar. This concludes the ethics complaint process.

5.7 If the complaint will move forward, a meeting of the CRP and the Respondent will be scheduled.

6 Scheduling the Ethics Complaint Meeting

6.1 The CRP Lead will select a date, time, and location for the meeting.

6.1.1 The meeting may be held in-person, via web conferencing, teleconferencing, or other means as determined by the CRP Lead.

6.2 The Secretary will notify the President, Registrar, and Respondent of the meeting at least 30 days prior to the meeting date. Notification shall include the following information regarding the nature and particulars of the complaint (09-0104T):

- Meeting date and time
- Meeting location (e.g., physical address, video conference link, teleconference number, etc.)
- The right of the Respondent to submit written statements for consideration
- Information regarding the grounds for the complaint
- Copy of the CRP Report
- Copy of this procedure

6.3 Response from the Respondent

6.3.1 The Respondent must give written notice to the Secretary at least 14 days prior to the meeting if they do not plan to attend. Any expenses incurred by the Respondent to attend the meeting are their responsibility.

6.3.2 Copies of any documents or written submissions to be used at the meeting must be provided to the Secretary at least 14 days prior to the meeting. Any notification or documentation received less than 14 days prior to the meeting date may not be considered by the CRP.

6.4 The Secretary will add any received information to the appropriate folder in Google Drive. The Secretary will notify the Ethics Chair of its receipt, who will in turn notify the CRP.

7 Ethics Complaint Meeting Procedure

7.1 The CRP will hold a meeting with the Respondent to discuss the complaint.

7.2 The Ethics Chair will oversee the meeting.

7.3 The meeting will be conducted with the following guidelines:

7.3.1 The CRP Lead will present a summary of the investigation report.

7.3.2 The Respondent may speak on their own behalf after the Complaint Panel Lead concludes their presentation. Only documents that had been previously provided to the panel will be allowed.

7.3.3 The Respondent and the Complaint Panel may ask questions of either party.

7.3.4 Information considered by the CRP must be relevant and may be verbal or written.

7.3.5 All members of the CRP will remain present during the entirety of the meeting.

7.4 The Secretary will keep confidential minutes of the meeting.

7.5 At the conclusion of the meeting, the Respondent is released and the CRP will deliberate in private until it has reached a decision.

7.5.1 In the event that the Ethics Chair does not agree with the CRP's decision(s), the Chair will communicate their opinion and request the CRP reconsider the decision.

8 Ethics Complaint Review Panel Action

8.1 The decision of the CRP can be one of the following:

8.1.1 The complaint should be dismissed. No further action will be taken. There is no appeal.

8.1.2 The complaint should be upheld but no further action is required. The complaint has been dealt with in a constructive manner. There is no appeal.

8.1.3 The complaint should be upheld and action is required by the CRP. The CRP will then decide what action should be taken with regards to the complaint. The CRP acts on behalf of the Board of Directors.

8.1.3.1 In the event the Ethics Chair does not agree with the CRP's decisions, the Chair will communicate their opinion and request the CRP reconsider the decision.

8.1.3.2 Ultimately, the Chair will have the final authority over the decisions of the panel.

8.1.3.3 The action of the CRP will be one of the following:

8.1.3.3.1 Issue a letter of reprimand (09-0108T)

8.1.3.3.2 Temporarily suspend certification for a specified time period

8.1.3.3.3 Revoke certification and bar from reapplying for a specified time period

8.1.3.3.4 Revoke certification and bar from reapplying

8.2 If the CRP recommends suspension or revocation, a start date and end date, if applicable, should be part of the decision.

8.3 Notifications

8.3.1 Within 7 days, the Ethics Chair will notify the President and Secretary of the CRP recommendations (09-0105F).

8.3.2 Within 14 days, the Secretary will provide a final notification to the Complainant and Respondent (09-0106T) with a carbon copy to the Registrar and Board of Directors.

9 Appeals of the Ethics Complaint Review Hearing

9.1 The Respondent may file an appeal in writing to the ABC Registrar within 21 days from the date the final CRP report is sent by the Secretary.

9.2 The Registrar will notify the President and the Secretary of the appeal within 14 days. The Respondent may choose to provide a detailed letter outlining the basis for the appeal.

9.3 The appeal will be considered and voted on at the next Board of Directors meeting. The Ethics Chair will provide a summary of the process and the findings to the Board of Directors.

9.4 The Board of Directors will vote to uphold, modify, or overturn the finding. The members of the CRP may not vote. The vote of the Board of Directors is final.

9.5 Within 21 days, the Secretary will notify the Complainant and Respondent (09-0107T) with a carbon copy to the Registrar.

10 Records Retention

See 10-0501S Record Retention Chart for the record retention schedule.

10.1 In the event an individual's certification is revoked and the individual is barred from reapplying for certification, the records will be retained in the Certificant's file for the duration of the sanctions plus 5 years.

10.1.1 If the Certificant is allowed to reapply for, and attains, certification, the records will continue to be maintained in the Certificant's file for the lifespan of the file according to the Records Retention Chart.

10.2 All records are confidential and will be securely destroyed on a schedule amenable to the Registrar.