

7. HANDLING COMPLAINTS REGARDING A CAB AND ITS PERSONNEL

PURPOSE

To outline procedures dealing with complaints regarding a CAB and its personnel.

PROCEDURE

Complaints must be in writing and signed by the Complainant.

- A complaint is defined as an expression of dissatisfaction, other than an appeal concerning a CAB or its personnel, where a response is expected.
- Complaints may originate from sources internal or external to the CAB or the FSAB. The Complainant may be a member of a CAB, the Board, or any other person and may be based upon public information from the news media, court records, or other sources.
- The complaint must clearly describe the violations or misconduct, include a specific example(s) of the alleged behavior, and be accompanied by supporting evidence.
- The subject or subjects of the complaint shall be referred to as the Respondent collectively.

The complaint shall be sent to the Administrative Manager.

- The Administrative Manager shall acknowledge receipt of the complaint to the Complainant and provide notice of the complaint to the Respondent. Such notice shall include the name of the Complainant and a copy of the complaint.
- The Administrative Manager shall forward the complaint and accompanying material to the President and Vice President.

A complaint shall be assigned a case number by the Secretary. The numbering system shall start with C and use the last two numbers of the current calendar year followed by the number of the complaint for that year (i.e., C21-001).

The President shall appoint a Complaint Review Committee (CRC) of three or more Directors to include the Vice President as Chair, a Regular Director, and a Public Director.

- The CRC Chair shall handle all complaint documentation.
- The CRC Chair shall inquire of the Respondent if they are a testifying or consulting expert in a trial ongoing at the time. No action shall be taken until the trial has concluded.
- The CRC shall first review whether there is probable cause to believe that a complaint may have merit and shall report its finding to the full Board. Part of this review shall include:
 - whether the complaint concerning an accredited CAB or its personnel has already been addressed by the CAB complaint process.

- if not, the CRC shall assess the complaint in consideration of the CAB's current standards, to include its Bylaws, Policy and Procedures, Code of Ethics, any national standards to which it complies, and other relevant documents the CAB cites as its guidance documents, as well as FSAB applicable standards and procedures
- The CRC may dismiss outright complaints deemed to lack probable cause.
 - Alternatively, the CRC may make a recommendation to the Board for dismissal.
 - If the Board does not dismiss the complaint, it shall be returned to the CRC for further proceedings.
 - Dismissal shall be documented, and notice shall be made to the Board (if not otherwise consulted), Complainant, and Respondent with appropriate acknowledgement by the recipients.

The CRC, upon a majority vote, shall have authority to solicit assistance from non-Board members (lawyers, investigators, former directors, etc.) in the event such provides a better investigative body and/or is better suited geographically.

- Such outside assistance must be subject to a signed *Code of Ethics and Conduct* and the *Annual Agreement and Disclosure Concerning Impartiality, Conflict of Interest, and Confidentiality for Persons Involved in FSAB Accreditation Activities*.
- Each outside individual assisting the committee must sign such documents and return signed copies to the CRC Chair before work begins.
- The outside individual shall not have a vote on any CRC decisions.
- The FSAB shall pay travel and per diem expenses to the outside individual according to the FSAB travel policy if travel is required.

The CRC shall provide all documentation pertinent to the complaint and any other relevant documentation or information in its possession to the Respondent.

The CRC shall request that the Respondent provide a written response to the allegations contained in the complaint.

The CRC shall provide the Respondent the opportunity to appear either in person or by a virtual platform, and at their own expense at a hearing before the CRC to present evidence in their favor. The Respondent may be accompanied by a legal or other representative.

- A hearing shall be held after the response from the Respondent is received by the CRC. If no timely response is received, the CRC shall proceed to its deliberation of the complaint on its merits.
- The Respondent may call witnesses at their own expense.
- The Respondent shall have the right to examine the Complainant.

- The hearing on the complaint shall be recorded at the expense of the FSAB and the witnesses placed under oath. A transcript of the proceeding may be prepared at the expense of the party requesting it.

The CRC may find deficiencies, violations of policy, or ethical/conduct violations. The CRC shall document those issues in a written report to the Board along with recommendations as to remediation or sanctions.

The full Board shall decide at a special meeting or annual meeting if any action is to be taken based upon CRC recommendations.

- Any action by the Board must be by a 2/3 vote with quorum present.
- The Board may refer the CRC's decision or recommendations back to the CRC for further action. The CRC shall review its recommendations, conduct further investigation if necessary and report back to the full Board.
- The Respondent may appear before the Board for the purpose of discussing potential sanctions.
- Action by the Board may include notice of a correction of a substandard process, or suspension or withdrawal of accreditation or other action appropriate under the circumstances to the CAB and Complainant.
- Reinstatement following withdrawal of accreditation shall require full re-application.
- Notice of any action taken by the Board shall be documented and shall be made to the Complainant and Respondent with appropriate acknowledgement by the recipients.

Action upon suspension or withdrawal of accreditation.

- If deemed appropriate, the affected CAB shall be removed from the list of FSAB accredited certifying organizations on FSAB's website.
- In such a case, the affected CAB may no longer refer to itself as an FSAB-accredited organization and must remove any reference to current FSAB accreditation from its materials. Dates of past FSAB accreditation may be referenced.
- The Respondent may appeal any adverse decision to the Board for its reconsideration.

RECORD KEEPING

- Records of all complaints and actions taken shall be archived by the Administrative Manager.
- All materials related to any complaint shall be maintained in confidence, except to the extent that the FSAB determines transparency requires disclosure in whole or in part. Notwithstanding any other FSAB provision, rule, or policy, the respondent may disclose any of the materials.

INVESTIGATION COST

The CRC shall apportion the costs of the investigation to the relevant parties as appropriate.

TIMELINE

The following timeline may be adjusted if reasonably required:

- The Administrative Manager shall acknowledge the receipt of the complaint to the Complainant and provide appropriate notices to respondent within 10 days after receipt of a complaint.
- The Administrative Manager shall forward the complaint and accompanying material to the President and Vice President within 10 days after the receipt of the complaint.
- The President shall appoint the CRC and the Secretary shall assign a complaint number within 10 days after receiving the complaint from the Administrative Manager.
- The CRC shall make a probable cause determination and forward it to the President within 10 days after the CRC is appointed.
- The CRC shall request a response from the Respondent within 15 days after the CRC receives the complaint.
- The Respondent shall have 30 days from the CRC request to provide their response to the complaint.
- A hearing shall be held as soon as feasible after receipt of the Respondent's timely response.
- The investigation of a complaint is to be completed within 120 days after a determination that probable cause exists, if possible.
- The Board shall make its decision on the CRC recommendations at a meeting of the Board within 21 days of the receipt of the CRC report.
- The Respondent must file any appeal within 60 days of the Board's final adjudication of the complaint.