

PROCEDURE 17: HANDLING COMPLAINTS REGARDING THE FSAB AND/OR ITS PERSONNEL

PURPOSE

To outline the procedures for handling complaints regarding FSAB and/or its personnel.

SCOPE

This procedure applies to all complaints filed against the FSAB and/or its personnel.

PROCEDURE

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

2. The complaint shall be sent to the Administrative Manager.
 - a. If the Administrative Manager is the Respondent, the Secretary shall act in place of the Administrative Manager.
 - b. The Administrative Manager shall acknowledge receipt of the complaint to the Complainant.
 - c. Any Officer, Director, Affiliate or Contractor who is a named Respondent in the complaint shall be recused from participating in the complaint review process or Board action.
 - d. The Administrative Manager shall forward the complaint to the highest-ranking Officer not named as a Respondent.
 - 1) If all the Officers are a named Respondent, or if FSAB as an entity is a named Respondent, then the Administrative Manager shall send the complaint to the Public Director on the Executive Committee.

3. A complaint shall be assigned a case number. The numbering system shall start with F to distinguish the complaint from a complaint against a CAB and use the last two numbers of the current calendar year followed by the number of the complaint for that year (i.e., F21-001).

4. The President, or appropriate non-conflicted person, shall appoint a Complaint Review Committee (CRC) of four or more individuals, to include Regular and Public Directors, and previous past Presidents who are not currently Directors.
 - a. The CRC shall choose its Chair from its members who are Directors.
 - b. The CRC Chair shall handle all complaint documentation.
 - c. The CRC shall first review whether there is probable cause to believe that a complaint may have merit. Part of this review shall include:
 - 1) The consideration of current FSAB Standards, Policy Manual, Procedures, *Code of Ethics and Conduct*, the *Annual Agreement and Disclosure Concerning Impartiality, Conflict of Interest, and Confidentiality for Persons Involved in FSAB Accreditation Activities*, any national standards to which FSAB complies, and other relevant practices the FSAB cites as its guidance documents.
 - d. The CRC has the authority upon a majority vote to dismiss outright complaints deemed to lack probable cause.
 - e. Dismissals shall be documented, and notices shall be given to the Complainant and the Respondent by mail, electronic or otherwise, with appropriate acknowledgement by the recipients.
5. The CRC, upon a majority vote of its members, shall have authority to solicit additional assistance from non-Board members (lawyers, investigators, former directors, etc.) in the event such shall provide a better investigative body. The outside non-CRC individual shall not have a vote on the CRC decision or recommendations.
6. Individuals providing outside assistance, including past Presidents appointed to the CRC, are subject to a signed *Agreement and Disclosure Concerning Impartiality, Conflict of Interest, and Confidentiality for Persons Involved in FSAB Accreditation Activities*, and *Code of Ethics and Conduct*.
 - a. Each outside individual on the CRC or assisting the CRC must sign such agreements and return a signed copy to the CRC Chair before work begins.
7. All Respondents are required to cooperate with the CRC or be in violation of this procedure and paragraph two of the *Code of Ethics and Conduct*. Such violations may result in disciplinary action and be reported to any professional organizations to which they belong, or under which they are licensed or certified.
8. The CRC shall provide all documentation pertinent to the complaint and other relevant documentation or information in its possession to the Respondent.
9. The CRC shall request a response to the complaint from the FSAB, Officer, Director, Affiliate, Contractor or another Respondent. If the FSAB as an entity is a named Respondent, the response to the complaint shall be prepared and transmitted to the CRC

by the Public Director on the Executive Committee, or if recused, by the longest serving Regular Director willing to serve.

10. The CRC shall provide the Respondent the opportunity to appear in a hearing before the CRC to present evidence in their favor. The Respondent may be accompanied by legal representatives or otherwise.
 - a. 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.
 - b. The Respondent may call witnesses at their own expense.
 - c. Respondent shall have the right to examine the Complainant, the expenses for which shall be paid by the FSAB.
 - d. The hearing on the complaint shall be recorded and the witnesses placed under oath. Transcripts of the proceeding may be prepared at the expense of the FSAB.
11. If the CRC finds deficiencies or violations of policy, it shall document those issues in a written report to the Board along with a recommendation as to remediation or sanctions.
12. The individual Respondent may appear before the Board for the purpose of discussing potential sanctions.
13. The Board shall decide at a special meeting or annual meeting if any action is to be taken based upon CRC recommendations. A 2/3 affirmative vote of the Board where quorum is achieved is required to find a violation and to impose sanctions.
14. Notice of any Board action shall be documented and delivered to the individual Respondent by mail, electronic or otherwise, with appropriate acknowledgement by the recipients. The investigation and documentation shall remain confidential until the final decision of the Board.
15. The individual Respondent may appeal any adverse action by the Board for its reconsideration.

RECORD KEEPING

1. Records shall be kept of all complaints, CRC documentation, and actions taken.
2. 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:

- a. The Administrative Manager shall acknowledge receipt of the complaint to the Complainant and provide appropriate notices to Respondent within 10 business days after receipt of a complaint.
- b. The appointing official shall appoint the CRC and assign a complaint number within 10 business days after receiving the complaint from the Administrative Manager.
- c. The CRC shall make a probable cause determination within 10 business days after the CRC is appointed.
- d. The CRC shall request a response from the Respondent within 15 business days after receipt of the complaint by the CRC.
- e. The Respondent shall have 30 business days from the CRC request for a response to the complaint to provide their response.
- f. A hearing shall be held as soon as feasible after receipt of the Respondent's timely response.
- g. The CRC investigation of a complaint and a report to the Board are to be completed within 120 business days after a determination of probable cause exists, if possible.
- h. The Board shall make its decision on the CRC recommendations at a meeting of the Board within 21 business days of receipt of the report from the CRC.
- i. The Respondent must file any appeal within 60 business days of the Board's final adjudication of the complaint.