

# Complaint Policy and Disciplinary Process

## Ethics Complaints and Disciplinary Actions

The Code of Ethics requires certified persons and those seeking certification to agree to uphold the rules and requirements of the certification program. Implied in this agreement is an obligation to comply with the mandates and requirements of all applicable laws and regulations, as well as, to act in an ethical manner in all professional activities. Applicants, candidates, and certificants, who fail to comply with the Code of Ethics are subject to disciplinary procedures which may result in sanctions up to and including certification revocation.

Complaints may be submitted by any individual or entity. There is no fee associated with filing a complaint. Information submitted during the complaint and investigation process is considered confidential and will be handled in accordance with the PBAAC™ Privacy and Confidentiality policy.

Complaints should be reported in writing and **must** include:

- The name of the individual submitting the complaint
- The name of the person the complaint is regarding with relevant identifying information
- A detailed description of factual allegations supporting the complaint(s)
- Any relevant supporting documentation

All complaints are documented and tracked, along with the outcome and any actions taken in response to the complaint. All PBAAC™ policies and procedures for complaints handling, determination, and applying sanctions must be followed. Valid complaints that relates to certification activities (only) are forwarded to a Discipline Committee. Complaints determined to be contain unreliable or insufficient information, frivolous, or involve matters not covered by the Code of Ethics may be dismissed with written notice.

## Disciplinary Process

The Discipline Committee reviews and evaluates the complaint and all documentation submitted and makes a determination of the complaint. The Discipline Committee may request and review additional documentation from the complainant, the candidate/certificant, or any other individual or entity who may have knowledge of the facts and circumstances surrounding the complaint. All investigations and deliberations are conducted in confidence with objectivity. Formal hearings are not held and parties involved are not expected to be represented by counsel, although the Discipline Committee and the PBAAC™ may consult their own counsel.

The Discipline Committee provides recommendations to the PBAAC™ based on evidence presented. The Discipline Committee reports to the PBAAC™ whether or not they find an individual in violation of the PBAAC™ policies. Recommendations may include, but is not limited to:

1. Determine the complaint is unsubstantiated
2. A corrective action plan that includes a deadline to make corrections
3. Determine disciplinary action is needed and recommend appropriate sanction(s)

When a sanction is recommended, it will reasonably relate to the nature and severity of the violation, focusing on reformation of conduct of the member and deterrence of similar conduct by others. Possible sanctions may include, but are not limited to: written notice, suspension, or termination (in severe situations).

When an individual's certification is suspended, the person is prohibited from utilizing the credential during the suspension period. If the certificant fails to resolve the issue that resulted in a suspension within the timeframe established by the PBAAC™, the individual's certification will be withdrawn or the scope of certification is reduced.

When an individual's certification has been revoked, the individual must surrender all certificates and refrain from using any references that implies they hold the credential.

### **Sanctions**

The Progressive Behavior Analyst Autism Council™ ("PBAAC™") may reprimand an individual for violations of the Code of Ethics and/or certification program policies and rules. Reasons for sanctions include, but are not limited to:

- Violation of the Code of Ethics
- Fraud or misrepresentation on an initial certification or on a recertification application
- Violation of established policies, rules, and requirements
- Conviction of a felony or other crime of moral turpitude under federal, state, or local law
- Gross negligence, willful misconduct, or other unethical conduct in the performance of services for which the individual has achieved the Certification from the PBAAC™
- Stealing secure examination materials
- Assisting other applicants during examination administrations
- Cheating

### **Appeals**

Applicants, candidates, and certificants may appeal adverse decisions pertaining to complaints. The appeal request must be submitted in writing.

### **Voluntary Resignation of Certification**

If a certificant who is the subject of a complaint voluntarily surrenders his or her certification, the complaint is dismissed without any further action by the Discipline Committee, PBAAC™, or Appeals Committee. The resignation must include surrender of all credentials held by the individual. The certificant may not

reapply for the certification. The PBAAC™ may notify the certificant's employer and the person or entity who submitted the complaint of the date of resignation and that the PBAAC™ has dismissed the complain