

American Board of Forensic Anthropology, Inc.
CODE OF ETHICS AND CONDUCT

Proposed February 16, 1999

Approved by the Board February 20, 2001

Revisions in 2008, 2012, 2016, 2021

SECTION I - THE CODE: As a means to promote the highest quality of professional and personal conduct of its members, the following constitutes the Code of Ethics and Conduct, which is endorsed and adhered to by all Diplomates of the American Board of Forensic Anthropology (ABFA). This code pertains to ABFA Diplomates only. In all instances in which written documents are required, these shall be electronic, provided a valid signature is contained within them.

Diplomates of the American Board of Forensic Anthropology shall:

- a) refrain from exercising professional or personal conduct adverse to the best interests and purposes of the ABFA;
- b) refrain from providing any material misrepresentation of education, training, experience, or area of expertise. Misrepresentation of one or more criteria for certification shall constitute a violation of this section of the code;
- c) refrain from providing any material misrepresentation of data upon which an expert opinion or conclusion is based. Diplomates shall render opinions and conclusions strictly in accordance with the evidence in the case (hypothetical or real) and only to the extent justified by the evidence;
- d) refrain from making statements that are not technically correct and scientifically based, including, but not limited to those in written reports, public addresses, or testimony.
- e) act at all times in an impartial manner by employing scientific methodology to reach logical, unbiased conclusions and by reporting all findings in a clear, concise manner;
- f) set a reasonable fee for services if it is appropriate to do so; however, no services shall be rendered on a contingency fee basis;
- g) treat all information from an agency or client with the confidentiality required;
- h) refrain from issuing public statements that appear to represent the position of the ABFA without specific authority first obtained from the Board of Directors;
- i) respect the individual and collective rights of others and not discriminate on the basis of age, race, color, ethnicity, national origin, sex, sexual orientation, gender identity and/or expression, marital status, place of birth, physical or mental disabilities, and/or professional standing;
- j) treat others with dignity and respect and adhere to zero tolerance against all forms of discrimination and harassment;
- k) treat all decedents and next of kin with dignity and respect;
- l) intervene or report unethical behavior, if witnessed.

SECTION II - GROUNDS FOR DISCIPLINE: Any Diplomate whose professional conduct becomes adverse to the best interests and purposes of the ABFA shall be sanctioned. Investigative action may be initiated due to alleged violations of professional or personal malfeasance including, but not limited to, any of the following provisions:

- a) an intentional misstatement, misrepresentation, concealment, or omission of a material fact or facts in an application or any other communication to the Board or its representative(s);

- b) conviction of a holder of a certificate by this Board by a court of competent jurisdiction of a felony or of any crime involving moral turpitude;
- c) issuance of a certificate contrary to or in violation of any of the laws, standard rules, or regulations governing the Board and its certification programs either at the time of its issuance or subsequently; or determination that the person certified was not in fact eligible to receive such certificate either at the time of its issuance or subsequently;
- d) violations of the Code of Ethics and Conduct (see above) of the ABFA by a holder of a certificate of this Board;
- e) official censure or suspension by another body, including a university or other place of employment;

SECTION III - INVESTIGATIVE BODY: There shall be constituted a standing Ethics Committee, the primary composition and function of which will be:

- a) Five members of the Board of Directors, one member from the Diplomates-at-Large, and one non-voting attorney member (if needed).
 - a. the members of the Ethics Committee shall be appointed by the President of the Board with the advice and consent of the Board of Directors. Each committee member, with the exception of the non-voting attorney member, if present, will serve a one-year term. The Ethics Committee shall elect a chairperson and co-chairperson from its membership annually;
 - b. if the chairperson is under investigation, has a conflict of interest in that particular case, or for other valid reasons is unable to participate, the co-chairperson will serve as the chairperson. If the chairperson and co-chairperson are unable to chair the ethics investigation, the President of the of the ABFA may chair the Ethics Committee or appoint a designee.
- b) The standing Ethics Committee shall serve as the investigative body to which the chairperson of the Ethics Committee shall refer all cases for consideration;
- c) The Ethics Committee can order investigations and serve as a hearing agency concerning past or present conduct of individual members of the ABFA which may constitute a violation of the provisions of the Code of Ethics and Conduct.

SECTION IV - INVESTIGATION INITIATING ACTION: Written allegations against a Diplomat shall be submitted to the ABFA Secretary, and will immediately be transmitted to the chairperson of the Ethics Committee. The Ethics Committee may institute an inquiry based on any evidence brought to its attention that indicates the need for further query or positive action under the provisions of the Bylaws, whether or not that evidence was brought to the attention of the Ethics Committee by a complainant.

SECTION V - JUDICIARY PROCESS

- a) The Ethics Committee shall compile data which will permit the Ethics Committee to arrive at a preliminary determination as to whether the complaint is well founded and requires further investigation. The Complainant(s) can choose to remain anonymous until the Ethics Committee determines that there is a need for further investigation and/or hearing. If further investigation is deemed necessary, the Ethics Committee will give notice of the filing of a complaint, the nature of the complaint and provide the identity of the Complainant to the Respondent within thirty (30) days of receipt of the original complaint. If the Ethics Committee finds that the complaint is unfounded, they may dismiss the complaint and notify the Complainant(s) in writing.

- b) The Ethics Committee may contact any individual or entity (whether an ABFA Diplomate or not) in its investigations of written allegations against a Diplomate that are submitted under the guidelines in Section IV.
- (1) Letters of informed consent shall be provided to each witness when witness statements are requested, and that witness shall be provided with a copy of this Code. The consent form will include information about who will see the witness's statement and if/how it will be shared. If, after being advised thus, witnesses are willing to provide a statement, the signed consent form shall accompany the statement, and both shall be received by the Ethics Committee within seven (7) days of the witness being notified that the Ethics Committee requests a statement.
 - (2) The witness shall be informed that he/she/they shall not confer with others regarding their statement, nor shall they discuss the investigation with anyone other than the Ethics Committee.
- c) If the Ethics Committee finds enough evidence during the preliminary investigation to suggest that a complaint may be substantiated, a hearing will be convened. The Complainant(s) or Respondent may request that there be no hearing, but the final decision resides with the Ethics Committee. If a hearing is convened, the Ethics Committee shall give both the Respondent and the Complainant(s) a reasonable opportunity to be heard and address each other. As circumstances vary, the format of the hearing is set at the discretion of the Ethics Committee and may be asynchronous/via electronic communications, a synchronous virtual meeting, or an in-person meeting.
- (1) For the purpose of setting up a formal hearing, official notice shall be sent by certified mail with return receipt requested, or by electronic mail with receipt acknowledged by the recipient to both the Respondent and Complainant(s).
 - (2) The Respondent shall receive a copy of the written complaint. He/she/they is entitled to see the document in its entire form. The Respondent will be given thirty (30) days from receipt of the hearing request to advise the Ethics Committee of his/her/their intention to provide a written, electronic, or oral defense against the charges.
 - (3) After receipt of the notice from the Respondent (by certified mail with return receipt or by electronic mail with receipt acknowledged by the recipient), and if the Ethics Committee decides to proceed with the investigation and adjudication, a formal hearing date will be mutually agreed upon by the Complainant(s), the Respondent, and the Ethics Committee. This date will be at least ninety (90) days from said receipt of official notice in order to give both parties adequate time to prepare for the hearing.
 - (4) At this hearing no legal counsel for either the Respondent or Complainant(s) may be present. The non-voting attorney member of the Ethics Committee will be present for the purpose of assuring that propriety, protocol, and adherence to proper procedures is maintained during the hearing. The attorney member shall act in an advisory position to the committee only and shall not be involved in the presentation of the case for either party.
 - (5) The Ethics Committee shall make a report, which will include a recommendation to the ABFA Board of Directors at the conclusion of the hearing(s). Recommendations can include, but are not limited to the following forms of discipline, which are determined at the discretion of the Ethics Committee in consultation with the Board of Directors:
 - (a) Private or public written reprimand(s), probation, formal apologies, and/or any other rectifications deemed appropriate by the Ethics Committee (sensitivity training, ethics training, workshops, community service, etc.);

- (b) Suspension: Suspension is the removal of a Diplomat's association with the Board and his/her/their certification status for one year from the date of the notification. The duration of suspension may be reduced if certain conditions are met or at the discretion of the Ethics Committee in consultation with the ABFA Board of Directors. If, however, there are additional violations of the Code of Ethics, modifications to the duration of suspension or decertification may be imposed at the discretion of the Ethics Committee in consultation with the ABFA Board of Directors.
- (c) Decertification: This is used to remove a Diplomat's certification. This action is appropriate in situations where it is not reasonable to expect that the Diplomat will be able to correct the problem(s) or when a Diplomat would severely damage the reputation of the ABFA if he/she/they were associated with the ABFA.
- d) Upon a vote of three-fourths (3/4) of the members of the Board of Directors present and voting, the Respondent may be issued sanctions as described in Section V(c)(5). No Board of Director member or member of the Ethics Committee who has a conflict of interest shall sit in deliberation on any manner concerning ethics. A conflict of interest exists if (1) the member witnessed the actions of the Respondent in the events leading to the complaint, (2) is a supervisor of the Complainant(s) or Respondent, or (3) believes he/she/they cannot be impartial in the deliberations or vote. The Respondent will be notified within ten (10) days of the vote by the ABFA Board of Directors.
- e) The Respondent has the right to appeal the action of the Board of Directors. In effecting an appeal, the Appellant must file a brief written notice of the appeal, together with any written statement he/she/they may wish to submit on his/her/their behalf, with the ABFA Secretary not more than thirty (30) days after receiving notice of the action of the Board. Electronic submission of these documents to the ABFA Secretary is preferred. Upon receipt, the Secretary shall immediately advise each member of the Board of Directors of the appeal and shall forward to each a copy of the supporting documents submitted by the Appellant.
 - (1) If no appeal is received by the Secretary within thirty (30) days, the actions of the Board shall be implemented and may no longer be appealed.
 - (2) If an appeal is received within thirty (30) days, the Executive Committee shall prepare a written statement of the reasons for the Board of Directors' actions and file the same with the ABFA Secretary not more than thirty (30) days from receipt of the appeal.
 - (3) Within thirty (30) days of receipt of the statement from the Executive Committee, the Board of Directors shall choose four (4) Diplomates-at-Large (not on the Board of Directors), and the Appellant shall choose four (4) Diplomates-at-Large (not on the Board of Directors) to populate an Appeal Committee to hear the appeal.
 - (4) The Secretary of the Board shall send the statements from the Appellant and the Executive Committee to each of the members of this Appeal Committee within fourteen (14) days after the Board is convened.
 - (5) The members of this Appeal Committee shall arrange a closed virtual meeting. The meeting(s) shall be strictly confidential. The Respondent, the Complainant(s), and any member of the Board of Directors shall not be part of the meeting(s). The non-voting attorney member of the Ethics Committee shall be part of the meeting(s) to assure propriety, protocol, and adherence to procedures. The attorney shall not represent either party involved in the hearing.
 - (6) Decisions of the Appeal Committee in the closed hearing will be based upon the written information provided by the Appellant, Executive Committee's written statements, and the Ethics Committee convened to oversee the original complaint. A written vote of three-fourths

(3/4) of the Appeal Committee present and voting at the closed meeting shall be required to overrule the action of the Board of Directors in regard to issuing sanctions as described in Section V(c)(5).

(7) The Board will not refund any annual dues for the current year, in whole or in part. A Diplomate who has been suspended but reinstated after a successful appeal can resume active status without reapplying for certification. He/she/they must, however, express an interest to resume active status in writing to the President of the Board.

SECTION VI: REQUEST FOR REINSTATEMENT: A Diplomate who has been decertified may reapply for certification 5 years after the date of decertification. The individual is subject to the same application requirements as any other applicant, including taking the certifying examination. The individual must provide a detailed description of the circumstances of decertification along with any applicable remedies that have been undertaken by the individual since the decertification took effect.

SECTION VII - CONFIDENTIALITY, RULES, AND PROCEDURES

- (a) Any member of the Ethics Committee, Board of Directors, or Appeal Committee divulging information on matters previously considered or currently being considered could be in violation of the Code of Ethics and Conduct and is subject to charges of same being filed. This does not apply to written statements made and worded by the Board of Directors concerning ethical matters or about the case(s) being considered which may be distributed to the Appeals Committee by said person after Executive Committee approval.
- (b) The Ethics Committee shall formulate internal Rules and Procedures, and from time to time propose changes to such Rules and Procedures, designed to facilitate the expeditious, fair, discreet, and impartial handling of all complaints or matters brought before the Ethics Committee. The Rules and Procedures, and any subsequent deletions, additions, or amendments thereto, shall be subject to the approval of the Board of Directors.
- (c) The Ethics Committee and the ABFA Board of Directors shall not attempt to interfere with the Respondent's employment, conference attendance, or other professional activities outside of the ABFA.
- (d) The Ethics Committee and the ABFA Board of Directors shall not share activities relating to Ethics Complaints with other organizations (e.g., the American Academy of Forensic Sciences).

Article XIII Section 6 of the Bylaws:

Section 6. Denial and Revocation of Certificates.

The right to deny certification and to suspend or revoke Certificates of Qualification shall reside with the Board of Directors. Certificates issued by the ABFA are subject to revocation only for one or more of the following reasons:

- (a) a misstatement or misrepresentation, or concealment or omission, of a material fact or facts in an application or any other communication to the ABFA or its representative(s);
- (b) conviction of an applicant for certification or holder of a certificate of the ABFA by a court of competent jurisdiction of a felony or of any crime involving, in the opinion of the Board of Directors, moral turpitude;
- (c) issuance of a certificate contrary to or in violation of any of the laws, standards, rules, or regulations governing the ABFA and its certification programs at the time of its issuance; or

determination that the person certified was not in fact eligible to receive such certificate at the time of its issuance;

- (d) non-payment of annual renewal fees after the second notice by the Treasurer. Reinstatement may be granted in that fiscal year upon payment of the outstanding fees plus a reinstatement charge equal to the current application fee;
- (e) failure to complete recertification updates as required;
- (f) a complaint by an ABFA Diplomate or anyone outside the ABFA about a Diplomate that results in an Ethics charge being upheld against that Diplomate with decertification.