

American Board of Forensic Anthropology
Diplomate Annual Written Attestation of
Adherence to Ethical and Professional Standards

I endorse the American Board of Forensic Anthropology Code of Ethics below. Further, I certify that I have not been convicted of a felony.

Signature: _____

Printed Name: _____

Date: _____

Please sign, date, and return the first page to ABFA President, Dana Austin, via email.

Austin.associates@hotmail.com

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

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).

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) Not make statements in his/her written reports, public addresses, or testimony that are not technically correct and scientifically based.
- e) Act at all times in a completely 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, which appear to represent the position of the ABFA without specific authority first obtained from the Board of Directors.

SECTION II - GROUNDS FOR DISCIPLINE: Any Diplomate whose professional conduct becomes adverse to the best interests and purposes of the ABFA shall be liable to censure, suspension, or expulsion with revocation and recall of certification granted in Article XIII, Section 4 of the Bylaws. The Diplomate shall be censured, suspended, or expelled by action of the ABFA Board of Directors acting on the findings and recommendations of the Ethics Committee, following the appeal period or any other actions required. Investigative action may be initiated due to alleged violations of any of the following provisions:

- a) An intentional misstatement or misrepresentation or 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 an applicant for certification or 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 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) Violations of the Rules of Professional Conduct of the ABFA by an applicant or holder of a certificate of this Board.
- e) Non-payment of annual renewal fees after the delinquent 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.
- f) Failure to complete recertification documentation as required.
- g) Upon the recommendation of any two Diplomates of the American Board of Forensic Anthropology, the qualifications of any Diplomate may be reviewed by the Ethics Committee to determine whether the Certificate of Qualification issued by the Board should be revoked. The candidate shall have the right to present his or her case to the Ethics Committee, but the final decision rests with the Ethics Committee.
- h) Upon recommendation of the Ethics Committee and approval by two-thirds (2/3) of the Board of Directors, action to suspend or revoke certification may only be taken after at least thirty (30) days advance notice of the nature of the charges or reasons for such action has been given to the individual concerned and a reasonable opportunity for such person to be heard has been provided by the Board.

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

- a) The standing Ethics Committee shall serve as the investigative body to which the chairperson of the Ethics Committee shall refer all cases for consideration.
- b) 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 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 from its membership annually.
- c) The President of the ABFA may chair the Ethics Committee in the absence of the Ethics Committee chairperson, if the chairperson is under investigation, has a conflict of interest in that particular case, or for other valid reasons, is unable to participate.
- d) 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: The following are the principal forms by which the Ethics Committee may initiate investigative proceedings:

- a) Any two Diplomates of the ABFA may submit formal written allegations of violations concerning a Diplomat to the Secretary of the ABFA (see Judiciary Process below) or to the chairperson of the Ethics Committee.
- b) The Ethics Committee may institute an inquiry based on any evidence brought to its attention which indicates the need for further query or positive action under the provisions of the Bylaws. Appropriate to this form of action, ABFA officers, upon receipt of a complaint concerning the professional or personal conduct of a Diplomat, may refer said complaint to the Ethics Committee in writing, accompanied by a recommendation, if any, concerning need for further investigation. Such recommendations, however, shall not be binding on the Ethics Committee.

SECTION V - JUDICIARY PROCESS

- a) Written allegations against a Diplomat, if delivered to the ABFA Secretary, shall immediately be transmitted to the chairperson of the Ethics Committee.
- b) The Ethics Committee shall immediately give notice of the filing of a complaint to the accused, and in accordance with the Rules and Regulations formulated by the Ethics Committee and approved by the Board of Directors, assemble such written data from both the accused and the accuser(s) 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 accused will be advised of the nature of the complaint and of the identity of the complainant(s).
- c) The Ethics Committee may contact any individual or entity (whether an ABFA Diplomat or not) in its investigations.
- d) If the Ethics Committee, in its preliminary determination, finds that the complaint is not well founded, it shall dismiss the complaint. It shall issue a report of such determination to the Board

of Directors, setting forth the basic facts, but omitting the names of the parties if possible and stating the reasons for its decision to dismiss.

- e) If the Ethics Committee determines the complaint is well founded, the Ethics Committee will investigate the allegations. The Ethics Committee shall then formally hear the charges and shall give both the accused and the accuser(s) a reasonable opportunity to be heard and confront each other.
 - 1) Notice shall be sent by certified mail, return receipt requested, to both the accused and the accuser(s) for the purpose of setting up a formal hearing.
 - 2) The accused shall receive a copy of the written complaint. He/she is entitled to see the document in its entire form.
 - 3) After receipt of the return notice (by certified mail, return receipt requested) a formal hearing date will be mutually agreed to by both parties 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. If agreeable to both parties, the hearing shall be held at or about the time of the annual meeting of the ABFA in order to keep costs to a minimum. If one or both parties request a hearing date at a time other than the annual meeting, the costs of said hearing shall be the responsibility of the party/parties requesting the hearing and not the ABFA.
 - 4) At this hearing no legal counsel for either the accused or the accuser(s) may be present. The non-voting attorney member of the ABFA, as a non-voting 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 Board 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).
- f) Upon a vote of three-fourths (3/4) of the members of the Board of Directors present and voting, the party accused of unethical or wrongful conduct may be censured, suspended, or expelled. No Board of Director member or member of the Ethics Committee who is the subject of a pending accusation under the provisions of the ABFA Code of Ethics and Conduct shall sit in deliberation on any manner concerning ethics.
- g) The accused has the right to appeal the action of the Board of Directors to the Diplomates of the ABFA. In effecting an appeal, the appellant must file a brief typewritten notice of the appeal, together with any typewritten statement he/she may wish to submit in his/her behalf, with the ABFA Secretary not more than thirty (30) days after receiving notice of the action of the Board. Punitive actions of the Board against the accused shall not commence until after thirty (30) days from the date of notification of the accused to allow time for the appeal. 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 papers submitted by the appellant. 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.
- h) 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.
- i) Within ten (10) days of receipt of the statement from the Executive Committee, the Board of Directors shall choose seven (7) Diplomates-at-Large (not on the Board of Directors), and the

appellant shall choose eight (8) Diplomates-at-Large (not on the Board of Directors) to hear the appeal.

- j) The Secretary of the Board shall send the statements from the appellant and the Executive Committee to each of the fifteen (15) members of this Appeal Committee within ten (10) days after the Board is convened.
- k) The fifteen (15) members of this Appeal Committee shall arrange a closed meeting either in person or by conference call(s). The meeting(s) shall be strictly confidential. Neither the appellant, the accuser(s), nor any member of the Board of Directors shall be part of the meeting. The non-voting attorney member 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.
- l) Decisions of the Diplomates in the closed hearing will be based upon the written information provided by the appellant and the Board of Directors. 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 censure, suspension, or expulsion of a Diplomat.

SECTION VI - CONFIDENTIALITY, RULES, AND AAFS ETHICS

- a) Any member of the Ethics Committee, Board of Directors, or Appeals Committee divulging information on matters previously considered or 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) In order to prevent a conflict of interest between the ABFA and the American Academy of Forensic Sciences (AAFS), a written report of the action of the Board of Directors of the ABFA concerning censure, suspension, or expulsion of the Diplomat will be forwarded to the chairperson of the Ethics Committee of the AAFS. The AAFS Ethics Committee will be notified if a notice of appeal is filed and ultimately the results of said appeal. It is assumed that if an ethical problem occurs with the Ethics Committee of the AAFS with an ABFA Diplomat who is a member of the AAFS, a report would be given to the President or Secretary or chairperson of the Ethics Committee of the ABFA for any consideration or action.