



Society of Forensic Toxicologists Ethics Procedures

1. Introduction

It is the Society of Forensic Toxicologists, Inc. (SOFT) goal to have all complaints of an ethical nature resolved in a timely manner. The duties of the Ethics Committee shall be to investigate complaints brought against SOFT members and to recommend action, if any, to the Board of Directors. Chapter II, Section 3.C of the SOFT Bylaws sets forth the responsibilities of the Ethics Committee related to Termination of Membership. Chapter V, Sections 3 A&B set forth the composition and duties of the Ethics Committee. As required in Chapter V, Section 3.B, the operating procedures of the Ethics Committee herein contained shall be approved by the Board of Directors. Warrants to ethical conduct and understanding of possible consequences related to substantiated unethical conduct are collected from Applicants for membership using the SOFT application form and annually from current members.

A member of the Ethics Committee or Board of Directors may recuse themselves from a particular investigation should there be a conflict of interest or the appearance thereof. If there is a conflict of interest for the SOFT President, the SOFT Vice President (or other appropriate Executive Board member) will fulfill those duties. If there is a conflict of interest for the Ethics Committee Chair, the SOFT President will appoint another member of the Committee to serve as Chair for the particular matter.

2. Ethics Committee

2.1. This committee shall comprise five Members in good standing of SOFT, to be appointed by the SOFT President with approval of the Board of Directors.

2.1.1. The members of this committee are limited to Full Members and Retired Members. The SOFT President serves as an ex officio member of the Ethics Committee.

2.1.2. The standard 3-year term of office for committee members shall be staggered to ensure continuity. In the first year of this committee, two members shall be appointed for three years, one member for two years, and two members for one year terms. All terms will commence January 1 and conclude December 31.

2.1.3. There shall be no limit upon the number of terms, consecutive or otherwise, which a committee member may serve.

2.1.4. In accordance with the SOFT Bylaws, the Chair of the Ethics Committee shall be appointed by the SOFT President.

2.2. The Ethics Committee shall be responsible for the following:

2.2.1. Reviewing and recommending changes to the Code of Ethics, Guiding Principles of Professional Responsibility, and Ethics Procedures.

- 2.2.2. Reviewing all complaints received which specify a violation of the Code of Ethics. Complaints will be considered by the Ethics Committee when conduct is alleged which violates the Code of Ethics. (Appendix 1)
- 2.2.3. Upon review of complaints, any action taken against a member must be approved by the Board of Directors, as enumerated herein.
- 2.3. Communications pertaining to a complaint are handled as follows:
 - 2.3.1. In order to facilitate the timely review of complaints, electronic communications and remote meetings between members of the Board of Directors and/or the Ethics Committee are permitted in accordance with Chapter IV, Section 4 (B) of the Bylaws unless specified otherwise in these Procedures.
 - 2.3.2. A copy of all correspondence sent to the complainant or the respondent shall be sent by traceable mail/courier to the member's (respondent's) address listed on file or the address indicated on the SOFT Ethics Complaint Form (complainant). In the event that the address listed on file is not current, an alternate address may be used. Electronic notifications are permitted *in addition to*, but not in lieu of traceable mail/courier communications. No information in the correspondence shall be redacted.

3. Enforcement Procedures

- 3.1. Matters of ethics before the Ethics Committee or Board of Directors are to remain confidential until a final decision has been made pursuant to Section 6.2.2. Except as may be required by law, no person who has received information as part of the formal Code of Ethics investigation shall reveal such information to anyone.
- 3.2. Investigations shall be prohibited if the alleged violation of the Code of Ethics occurred more than five (5) years prior to the complaint.
- 3.3. Any deviations from these procedures must be documented and approved by the SOFT Board of Directors. The applicable parties shall be notified of any approved deviations.
- 3.4. In accordance with the Bylaws, an ethics complaint regarding a member of SOFT must be submitted in writing to the SOFT President via the SOFT Office. The SOFT Ethics Complaint Form shall be used to submit a complaint. The complainant shall specify how the SOFT Code of Ethics was violated and provide supporting documents. The next consecutive case number is assigned, and the SOFT Office will forward the original complaint to the SOFT President.
- 3.5. The SOFT Office shall acknowledge the receipt of the letter of complaint by traceable mail/courier to the complainant (that individual by whom a complaint has been made concerning professional conduct) within ten business days (SOFT Ethics Form 1). The respondent (a Member of SOFT against whom a complaint has been made) shall also be notified of the complaint by traceable mail/courier at the address on file for the respondent with the SOFT Office.
- 3.6. The SOFT Office shall also transmit the complaint, traceable mail/courier receipt and a copy of the respondent's file to the Ethics Committee Chair.
- 3.7. The Ethics Committee Chair evaluates the complaint as to:
 - 3.7.1. A need for clarification of the complaint or for additional information.

- 3.7.1.1. If clarification or additional information is needed from the complainant, the Chair mails a copy of the Request for Additional Information letter (SOFT Ethics Form 2) by traceable mail/courier to the complainant.
 - 3.7.1.2. If additional information is needed from any other SOFT Committee, the Ethics Committee Chair is to request this information from the appropriate Chair.
 - 3.8. If the Ethics Committee Chair is satisfied there is sufficient written information to proceed, he/she notifies the complainant by traceable mail/courier using the Letter of Intent to Proceed (SOFT Ethics Form 3) and completes the appropriate information on the Report of Professional Misconduct form (SOFT Ethics Form 4). A copy of this communication shall also be sent to the respondent.
 - 3.9. The Ethics Committee Chair transmits copies of the letter of complaint, the respondent's file, the Report of Professional Misconduct form, and any other relevant information to the committee members.

4. Review and Investigation

- 4.1. The Ethics Committee members evaluate the complaint to determine whether the Ethics Committee has jurisdiction to address the Complaint.
- 4.2. If the Ethics Committee determines it does not have jurisdiction over a particular complaint, the complainant shall be notified by the Ethics Committee Chair by traceable mail/courier within thirty days from the date of such determination (SOFT Ethics Form 5). A copy of this correspondence is sent to the respondent by traceable mail/courier.
 - 4.2.1. A copy of SOFT Ethics Form 5 and the traceable mail/courier receipt shall be retained by the SOFT Office for addition to the respondent's SOFT file.
 - 4.2.2. The Ethics Committee Chair shall make a report of the resolution of the complaint to the Board of Directors at the next scheduled semi-annual meeting.
 - 4.2.3. Disposition of records related to Ethics complaints shall be governed by section 7 *et seq.* of these Procedures.
 - 4.2.4. If the Ethics Committee determines it does have jurisdiction, the next step taken is to determine whether the complaint has merit.
- 4.3. If the complaint is without merit:
 - 4.3.1. If the Ethics Committee determines the complaint is without merit:
 - 4.3.1.1. The complainant is notified by the Ethics Committee Chair by traceable mail/courier within thirty days of the Committee's determination that the complaint is without merit (SOFT Ethics Form 7).
 - 4.3.1.2. The respondent shall be advised by the Ethics Committee Chair by traceable mail/courier of the complaint and its disposition (SOFT Ethics Form 8).
 - 4.3.1.3. A copy of SOFT Ethics Form 8 and the traceable mail/courier receipt are retained by the SOFT Office for addition to the respondent's file.

- 4.3.1.4. The Ethics Committee Chair will make a report of the resolution of the complaint to the Board of Directors at the next scheduled semi-annual meeting.
- 4.3.1.5. The complaint record will be expunged 3 years after the date it is determined to be without merit.
- 4.4. If the complaint has merit:
 - 4.4.1. If the Ethics Committee determines the complaint has merit:
 - 4.4.1.1. The Ethics Committee Chair will select a date and time for a meeting of the Ethics Committee at which the complaint will be considered.
 - 4.4.1.2. Paragraphs 5 and 6 shall be followed when the Ethics Committee determines the complaint to have merit.

5. Ethics Committee Meeting

- 5.1. Once the Ethics Committee determines that it has jurisdiction and that the complaint has merit, the complainant, respondent, and the President of the SOFT will be notified about the nature of the complaint, about the rights of the parties involved to submit written statements for consideration at this meeting, and about the date and time set for the Ethics Committee meeting (SOFT Ethics Form 9 and SOFT Ethics Form 10). The complainant and respondent shall be notified by traceable mail/courier.
- 5.2. This notification by the Ethics Committee Chair must occur at least 30 days prior to the meeting at which the complaint is to be discussed.
- 5.3. The complainant and the respondent shall be permitted to provide written submissions to the Committee in advance of the meeting, but shall not, unless expressly permitted by this Committee Chair, be permitted to attend this meeting in person or telephonically. All written submissions from the complainant and the respondent (or their representatives) must be received by the Ethics Committee Chair at least seven days prior to the meeting at which the complaint is to be addressed.
- 5.4. The Ethics Committee Chair shall provide a written report on the outcome of the meeting to the President within 30 days from the date of the Ethics Committee meeting at which the complaint was addressed.
- 5.5. The report shall present a concise summary of the facts for both parties, including the rule(s) on which the complaint is based.
- 5.6. The report and its contents shall be treated as confidential and not publicized.
- 5.7. This process may be suspended at any time in the discretion of the Ethics Committee Chair if it becomes known that the circumstances surrounding the complaint are subject to criminal or civil litigation or review by another competent body, pending final resolution. The complainant, the respondent (or their representatives), and the President of SOFT are to be notified of such action by traceable mail/courier (SOFT Ethics Form 11).
- 5.8. If the respondent relinquishes his/her SOFT Membership upon notification of the complaint by the Ethics Committee Chair, the Ethics Committee will still meet and issue a written report to the SOFT President and Board of Directors. If the respondent reapplies for Membership at some time in the future, then the respondent will be re-notified of the complaint by the Ethics Committee Chair (upon notification of re-

application by the SOFT Office), and the process may resume at that point.

6. Board of Directors Hearing

- 6.1. Upon receipt of the report from the Ethics Committee, the President of SOFT shall schedule a hearing on the complaint in conjunction with the semi-annual SOFT Board of Directors meeting. This hearing will be held prior to the Board of Directors meeting when possible. If necessary, the President of SOFT may schedule a hearing on the complaint outside of the regularly scheduled semi-annual meetings.
 - 6.1.1. The complainant and respondent (or their representatives), will be notified by traceable mail/courier by the President regarding the date, time, and place of the hearing; about their right to be present at the hearing; about their right to call witnesses on their behalf; and about the nature of the complaint. They will receive copies of the Ethics Committee report and a copy of the SOFT Ethics Procedures, as outlined herein.
 - 6.1.2. The Ethics Committee members and Board of Directors will be notified by the President regarding the date, time, and place of the hearing. They will receive copies of the Ethics Committee report and a copy of the SOFT Ethics Procedures, as outlined herein.
 - 6.1.3. This notification by the President shall be made at least 60 days prior to the hearing (SOFT Ethics Form 12). The respondent, the complainant (or their representatives), and any witnesses they wish to call, must give written notice by Traceable mail/courier to the President via the SOFT Office at least 15 days prior to the hearing regarding whether they intend to appear in person before the Board of Directors; whether they intend to be represented and, if so, the name of any persons who will be representing them; whether any witnesses are to be called and, if so, their names; and a copy of all of the documents on which a respondent, a complainant, their representatives, or any witnesses propose to rely at the hearing.
 - 6.1.3.1. Any notification or documentation received less than 15 days prior to the hearing date may not be considered by the Board of Directors.
 - 6.1.4. The SOFT President will preside over the hearing and shall ensure the orderly conduct of the hearing, the testimony of witnesses and receipt of evidence. The SOFT President may engage counsel for advice and guidance with approval of the Board of Directors.
 - 6.1.4.1. The President is to appoint a clerk to keep confidential minutes of the hearing or to transcribe the hearing. Any member of the Board of Directors may ask questions of any witness giving evidence at the hearing. The President may suspend the proceedings at any time.
- 6.2. At the conclusion of the hearing, the Board of Directors shall deliberate in private until it has reached a decision. The decision will be by simple majority, with the President voting only in the event of a tie. The Board of Directors may confer with legal counsel at any point during their deliberations.
 - 6.2.1. The outcome of the Board of Directors' deliberation will be one of the following:
 - 6.2.1.1. The complaint is dismissed. No further action is to be taken.

- 6.2.1.2. The complaint is upheld but no action by the Board of Directors is required. The complaint has been dealt with in a constructive manner.
- 6.2.1.3. The complaint is upheld and specific action for resolution has been determined by the Board of Directors which may include:
 - 6.2.1.3.1. A letter of reprimand;
 - 6.2.1.3.2. Temporary suspension of Membership for a specified time period;
 - 6.2.1.3.3. Revocation of Membership and bar from reapplying with SOFT for a specified time period; or
 - 6.2.1.3.4. Revocation of Membership and permanent bar from reapplying for membership with SOFT.
- 6.2.1.4. The decision of the Board of Directors shall be final and there shall be no further appeals permitted. All records associated with the ethics complaint shall remain confidential unless release is required by Section 7.3.
- 6.2.2. The SOFT Office will notify the respondent and the complainant (or their representatives), by traceable mail/courier of the action taken by the Board of Directors regarding the complaint within ten (10) business days of its decision (SOFT Ethics Form 6).
- 6.2.3. The SOFT Office will transmit a copy of the SOFT Ethics Form 6 to the Ethics Committee members.
- 6.2.4. A copy of SOFT Ethics Form 6 and the traceable mail/courier receipt are maintained in the respondent's file.

7. Filing and Disposition of Records

- 7.1. All documents related to Ethics complaints shall remain confidential upon completion of the administrative actions contained herein, but may be released if required by Section 7.3.
- 7.2. Records related to Ethics complaints shall be maintained and subject to disposition in accordance with normal record-keeping practices of SOFT.
- 7.3. Open files of the Ethics Committee shall be securely maintained by the Ethics Committee Chair who shall transfer them to the new Chair upon leaving office.
- 7.4. Files on finalized cases shall be sealed by the Chair and transferred to the SOFT Office for final disposition. Other members of the Ethics Committee shall destroy their copies of the file after a case is finalized.
- 7.5. The release of records related to Ethics complaints shall be made only in cases of written request by a competent authority demonstrating a legitimate need to know the contents thereof. If such a request is received, the matter will be satisfied or resolved by the Board of Directors with necessary support from the SOFT Administrative Office.
- 7.6. A summary of activities related to records retention and review under this section will be provided by the Ethics Committee Chair as part of her/his normal periodic report to the Board of Directors.

- 7.7. The Ethics Committee Chair shall report activities of the committee to the membership during the Annual Business Meeting. In accordance with the provisions for confidentiality stated herein, the name of the respondent, complainant, and specific details of the complaint are not provided to the membership.
- 7.8. The President shall report ethics-related activities of the Board of Directors at the Annual Business Meeting under New Business. In accordance with the provisions for confidentiality stated herein, the name of the respondent, complainant, and specific details of the complaint are not provided to the membership.