

Standard Operating Policy/Procedure

International Association of Arson Investigators

2331 Rock Spring Road
Forest Hill, MD 21050
410-451-3473



POLICY NAME	Ethical Practices and Grievances Committee Standard Operating Procedure		DIVISION NO.	500
EFFECTIVE DATE		DATE OF LAST REVISION	POLICY NO.	
ADMINISTRATOR RESPONSIBLE	EP&G Committee		CONTACT INFORMATION	16901 Melford Blvd. Bowie, MD 20715 410-451-3473
APPLIES TO: Identifies applicable members, committees, or staff.				
Executive Director		Administration		Executive Team
Board of Directors		Membership		Other

VERSION HISTORY				
VERSION	APPROVED BY	REVISION DATE	DESCRIPTION OF CHANGE	AUTHOR
1		1/2013	SOP conversion to new format	Novak
2		2024	Substantive changes	Novak

REVIEW AND APPROVAL

Presented at BOD meeting _____.

ADDITIONAL NOTES

The footer of the current SOPs states that they were accepted by the BOD on 1/12/2013. However, the document title is listed as 2020.

SCOPE

The Ethical Practices and Grievances (EP&G) Committee of the International Association of Arson Investigators (IAAI) has been established to review complaints which are brought against members or individuals that were members of the IAAI at the time the alleged violation occurred and to report its

findings and recommendations to the IAAI Board of Directors (the Board).

The purpose of the EP&G Committee is to maintain and protect the high degree of professionalism and integrity of the membership of the IAAI and, additionally, to protect the public and the membership from violations of rules or codes of the IAAI.

POLICY STATEMENT

The IAAI is an international organization and as such, the conduct of business and operations receives international attention and must be viewed as professional, ethical, and consistent. The effectiveness of standard operating policies and procedures is reliant in the consistent way they are developed; and this policy shall provide direction for the authority and operation of the Ethical Practices and Grievances Committee for the association.

TERMS AND DEFINITIONS

TERM	DEFINITION

POLICY SECTIONS

Policy intro: These sections are offered as guidance for development, approval and revision of all Standard Operating Policies and Procedures for the International Association of Arson Investigators. The policy outlines how an SOP is developed, how it is to be structured and the review and approval process required prior to implementation.

STRUCTURE

I. COMPLAINT FILING AND ADMINISTRATION

A. Basis

The basis for a complaint may include the following:

1. Conviction of a felony.
2. Conviction of a misdemeanor, criminal offense, or infraction that has a direct relationship to the professional duties of a fire investigator or the ethical standards of the IAAI.
3. Judgement or order entered against the member in a criminal, civil, or contempt action related to the status of the accused as an investigator.
4. Breach of the professional responsibilities or legal duties of an investigator.
5. Violations of the IAAI Constitution and By-Laws or Code of Ethics.
6. Misuse or misrepresentation of an IAAI professional designation or certification.
7. Violation of any IAAI committee Standard Operating Procedure that has been approved by the Board and posted on the IAAI website.
8. Violation of the program manual for any IAAI-sponsored certification.
9. Falsification or misrepresentation of facts or professional opinions related to any investigation with the intent of influencing the outcome of an investigation, trial, hearing, or other proceeding.
10. Falsification or misrepresentation of facts or opinions related to a hiring process.

B. Filing

A current copy of this SOP and the forms needed to file a complaint shall be provided to the IAAI office, which shall make them available on the IAAI website. The procedure for filing a complaint, as listed below, must be followed and failure to comply with this procedure may result in dismissal of the complaint. The procedure is as follows:

11. The complainant shall obtain a complaint packet from the IAAI office or website.
12. The complainant must submit the complaint with all supporting documentation to the IAAI office in writing. The complainant must provide their identity and contact information. An electronic submission shall serve as the signature of the complainant. The complainant must attest to the truthfulness of the allegations in the complaint.
13. Complaints may be filed at any time, subject to limitations in Paragraph C below. If civil or criminal court actions are pending at the time the complaint is received, processing may be suspended. The chair of the EP&G Committee shall be responsible for determining when the case shall be reactivated for action by EP&G Committee. The case must be reactivated within one year of the conclusion of legal proceedings.
14. Matters that come to the attention of the Board outside the normal complaint process can be referred to EP&G Committee for review and appropriate action.

C. Time Limitation

Complaints must be received by IAAI within five years of the date of the occurrence which is the basis of the complaint. Any complaint received by IAAI based on conduct which occurred more than five years before the date of receipt, and which could have been discovered within that period, will be dismissed. There is no time limitation for the following, including that discovered during the course of an EP&G investigation:

- Fraud, misrepresentation, or omission related to applications for membership or certification,
- Perjury,
- Falsification of a report,
- Conviction of a felony.

D. IAAI Office Procedures

Upon receipt of a properly completed complaint form, the administration of the IAAI will do the following:

15. Assign a unique case number to the complaint.
16. Create and maintain a confidential file for original documents and other submitted evidence.
17. Forward copies of the complaint form, and all supporting documents to the EP&G chairperson.
18. At the conclusion of the case all materials associated with the case shall be returned to the IAAI office to be archived. The archive shall be maintained for a period to be defined by the Board.

II. PROCESSING THE COMPLAINT

A. Review

Complaints will be reviewed initially by the EP&G Committee Chairperson. The Chairperson will determine if there is just cause to dismiss the complaint or proceed with an investigation. The following procedures will be in effect:

1. The EP&G Committee Chairperson will send written notification of the complaint to the accused. This written notification will include copies of the complaint and supporting documents and, if practical, copies of photos or other evidence submitted. Noticed to the accused will be sent by email or certified mail, return receipt requested.
 - a. The accused will be given the name of the complainant at this time. Anonymous complaints will not be reviewed by the EP&G Committee.

2. The accused, at his/her option, will have 30 days from the date of mailing/email of the complaint by the Chairperson to the accused to provide a written response, including additional documents or evidence, to the EP&G Committee Chairperson. This written response should be provided directly to the EP&G Committee Chairperson who will then send copies to the other EP&G Committee members and the complainant.
3. The complaint and documents or evidence, along with any response from the accused, will be reviewed by the EP&G Committee to determine if further action is warranted. A majority of the committee members shall be required to take any action on a complaint. At the discretion of the EP&G Committee Chairperson, reviews may be conducted by physical meeting, electronically, or telephonically.
4. After initial review, the EP&G Committee may, by majority vote, determine that no further action be taken on complaints determined to be frivolous, unsubstantiated, or unwarranted. If such action is taken, all parties will be notified in writing.
5. An investigation may be initiated at the discretion of the EP&G Committee Chairperson.

B. Investigation Procedures

6. Any EP&G Committee investigation may be deferred pending resolution of criminal or civil matter actions involving the accused.
7. To the extent required, the EP&G Committee Chairperson may assign investigators or other experts as needed to conduct a confidential and thorough investigation of the complaint.
8. Reports of investigators or other experts will be given directly to the EP&G Committee Chairperson at the conclusion of their investigation. The EP&G Committee Chairperson in turn will provide these reports to the EP&G Committee and the accused, but not the complainant.
9. If at any time evidence of a criminal act on the part of the accused surfaces, the EP&G Committee investigation may stop, and the investigation of the complaint may be placed on hold pending resolution of the criminal matter. Investigators or other experts retained by the EP&G Committee shall immediately notify the EP&G Committee Chairperson, who will consult with the Board and relevant IAAI Chapter Board of Directors to determine the need to notify law enforcement.
10. Should evidence of an ethical violation by someone other than the accused be discovered during an investigation, the EP&G Committee will complete the investigation of the initial complaint. After the conclusion of the original complaint, the EP&G Committee may file a new complaint with the IAAI, conduct a separate investigation, and make a recommendation to the Board as to this subsequent complaint.
11. Should a complaint be filed with a chapter and the IAAI, the EP&G Committee will suspend its investigation until the chapter's investigation is complete.
12. The EP&G Committee's investigation will use the governing documents (By-Laws, Constitution, Code of Ethics, etc.) that were in place at the time the complaint was filed.

C. EP&G Committee Action

1. Based on all available facts, supporting documents, reports, and other evidence, the EP&G Committee will submit a written recommendation for disposition of the matter to the IAAI Board of Directors. The written recommendation shall include:
 - i. Findings as to the alleged violations
 - ii. Recommendations as to sanctions to be imposed
 - iii. Where appropriate, recommendations regarding publication of the case findings and identify of the accused
 - iv. Information that will be disclosed to the complainant concerning the disposition of the case.
2. Complaints which are brought against any member of the EP&G Committee will be sent directly to the President of the IAAI and will be handled in the same manner described above, with the President serving as chairperson and the Board of Directors serving as the EP&G Committee.

3. The EP&G Committee Chairperson or their designee will present the findings of the Committee to the Board at a hearing, which will be held at a time designated by the Board.

III. SANCTIONS

Any one or more of the following sanctions may be imposed if a complaint is found justified by the EP&G Committee and sustained by the IAAI Board of Directors. The following actions require a simple majority of the voting members of the Board:

1. An order to cease and desist from a specified activity.
2. A public letter of reprimand from the IAAI Board of Directors.
3. A private letter of censure from the IAAI Board of Directors.
4. IAAI Membership probation.

The following actions require a 2/3 majority of the Board:

1. IAAI Membership suspension.
2. IAAI Membership revocation.
3. Suspension of any certification or accreditation issued by the IAAI.
4. Revocation of any certification or accreditation issued by the IAAI.

IV. HEARING PROCEDURE

1. Once the EP&G Committee's findings and recommendations are received by the IAAI Board of Directors, a hearing will be scheduled with the Board, the accused, the complainant, and the EP&G Committee Chairperson or their designee.
2. The hearing will be presided over by the IAAI President or their designee. The tries of fact will include the members of the Board of Directors and the legal advisor for the IAAI.
3. The hearing will be held in an executive session.
4. An online meeting platform may be used for remote attendees.
5. After the hearing, the Board of Directors will decide by a majority vote to sustain, modify, or reject the recommendations of the EP&G Committee.
6. All parties will be notified at least 60 days in advance of the hearing date.
7. The accused has a right to be represented, at his/her own expense, by counsel at all states of the hearing.
8. The accused has a right to a copy of all supporting documents, and access to other evidentiary material utilized by the EP&G Committee during their investigation. The accused may use other materials and documents as well as live witnesses or affidavits at the hearing. The accused must supply all documentary and electronic materials he/she is planning to use to the Board of Directors at least two weeks prior to the hearing. The accused has the following rights:
 - a. The right to be present at the hearing at his/her own expense
 - b. A reasonable opportunity to be heard at his/her own defense
 - c. To present witnesses and other evidence,
 - d. To cross examine any witnesses called.
9. Failure of the accused to appear at the time set for the hearing may be deemed a waiver of his/her right to be present and the hearing shall proceed in his/her absence.
10. The EP&G Committee Chairperson shall present evidence of the misconduct. All evidence may be presented in the presence of the accused and his/her counsel, if any, unless the accused is absent or the right to be present is waived by the accused.
11. The accused may then call witnesses and present evidence. The accused shall not be required to present a case if he/she chooses not to. No member of the EP&G Committee shall be called as a witness by the accused or complainant.

12. At the hearing, the presiding officer shall not be bound by the Rules of Evidence applicable in courts of law or by the Rules of Civil Procedure. The presiding officer may exclude matters which, in his/her judgement, are irrelevant, duplicative, or unnecessary.
13. Any party may request that the proceedings be recorded at their own expense.
14. After the hearing, the Board will make a final decision pursuant to the IAAI Constitution and By-Laws, Board procedures, and Standard Operating Procedures.
15. If the Board, after the hearing, votes to sustain or modify the recommendation for sanctions, the President shall notify the accused within 30 days by certified letter, return receipt request, of the decision and the accused's right of appeal in accordance with the Appellate Review Committee's Standard Operating Procedure.
16. The decision of the Board shall be reflected in the meeting minutes of the next Board meeting.
17. The President shall be responsible for notifying the complainant of the results of the case, either after the expiration of the time for appeal or at the conclusion of the appeal, if filed.

V. RIGHT OF APPEAL

18. If the decision for sanctions is upheld or modified by the Board at a hearing, a written appeal may be filed by the accused by utilizing the procedures set forth in the Appellate Review Committee Standing Operating Procedures. A copy of that SOP shall be included in the certified letter sent to the accused informing him or her of the results of the Board hearing.

VI. CONFLICTS OF INTEREST

1. Any member of the EP&G Committee or Board who has a conflict of interest concerning the matter under consideration shall recuse themselves from any further consideration of the matter. A recused member of the EP&G Committee may be replaced by someone appointed by the President of the IAAI.
2. In the event the EP&G Committee Chairperson recuses him/herself, the President shall appoint an acting Chairperson. If the IAAI President recuses him/herself, the President's successor shall make this appointment. The accused may ask that a member of the EP&G Committee or Board recuse themselves if he/she believes there is a conflict of interest. A mere filing of a complaint that is brought to the attention of a Director should not be necessarily considered a conflict of interest.

VII. CONFIDENTIALITY

1. The filing of a complaint and all actions taken in the investigation of a complaint, the recommendations of the EP&G Committee, and the decision of the Board shall be confidential. When a decision related to imposing sanctions is made, the decision shall no longer be confidential except for a private letter of censure. If the complaint is dismissed, it shall remain confidential.
2. Actions taken by the IAAI Board relating to the recommendations of the EP&G Committee shall remain confidential until an official announcement, pursuant to authorization of and direction by the IAAI Board, is made by the IAAI Executive Director. The votes of individual members of the EP&G Committee and the Board shall remain confidential.
3. Because violations of professional conduct represent deviations from acceptable conduct, the Board shall decide if any findings imposing a sanction and/or the identify of the accused, other than a person letter of censure, shall be published.

4. Members of the EP&G Committee shall not discuss a current or past investigation with those not serving on the EP&G Committee or IAAI Board of Directors for a period of five years after the conclusion of an investigation.

VIII.

ACTIVITIES OR LEVELS OF ACTION/RESPONSE

SPECIFIC CRITERIA

EXCEPTIONS

RELATED POLICIES AND OTHER REFERENCES

ROLES AND RESPONSIBILITIES

(List the job titles and business offices directly responsible for the policy.)

ROLE	RESPONSIBILITY
IAAI Director of Administration	Shall collect and disseminate materials provided as part of a complaint. Will maintain the files associated with each complaint.
EP&G Committee	Will review and investigate complaints as warranted. Will update the SOPs and Code of Ethics as necessary.
Board of Directors	Will review the findings of the EP&G Committee and vote on sanctions, if necessary. Shall review and approve the Code of Ethics and SOPs of the EP&G Committee.

CONTACTS: (SOP contact list requires administrative updating annually and does not require BOD action)

POSITION OR GROUP	CONTACT	PHONE	EMAIL
EP&G Committee Chairperson	Cameron Novak	612-750-1409	Cnovak1409@gmail.com

