

Complaints and Disciplinary Procedures for Members of the British Association for Forensic Anthropology



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1 Introduction

This document has been developed on behalf of the Steering Committee of the British Association for Forensic Anthropology (BAFA).

The purpose of this document is to provide clear guidelines and procedures in the event of a complaint against a Member of BAFA (hereafter referred to as “The Association”). The Complaints and Disciplinary procedure is intended to set and maintain standards of conduct in line with the Association’s Code of Conduct, and in doing so, ensure that all Members are treated fairly and consistently and professional standards of the discipline are maintained. It is designed to help and encourage all Members to achieve and maintain satisfactory standards of conduct.

Complaints by non-Members of the Association are considered if the alleged incident has taken place a) during a professional interaction between the Complainant and Subject (as a Member), b) the Member acted in a professional capacity, c) or the interaction is perceived as such.

While this document addresses disciplinary procedures relating to individual Members, the Steering Committee recognises that grievances by Members relating to the Association as an entity may occur. These grievances can be expressed through the appropriate channels, either through the AGM, the ED&I Committee, or in writing to the Secretary of the Steering Committee in the first instance.

2 Complaints Procedure

- 2.1 The establishment and role of the Complaints and Disciplinary Committee is set out in the 'Terms of Reference – BAFA Complaints and Disciplinary Committee'.
- 2.2 The Complaints and Disciplinary Committee of the Association will receive and address all complaints made in relation to a member of The Association and their professional conduct.
- 2.3 A "Complaint" is defined as a formal written statement from an identified individual alleging conduct which, if proven, would constitute a violation of the Code of Practice of the Association.
- 2.4 The person wishing to make the complaint (hereafter referred to as "The Complainant") and not a 3rd party individual must present the complaint to the Complaints and Disciplinary Committee of the Association in writing.
- 2.5 The Complainant must make themselves known to the Complaints and Disciplinary Committee. The identity of the Complainant will normally not be disclosed to the person against whom the complaint is made (hereafter referred to as "The Subject"), unless where this is not possible due to the nature of the allegations. The identity of the Complainant and Subject will not be disclosed to external advisors.
- 2.6 Evidence will be sought to support the Complaint. In the first instance, the Complainant shall provide all supporting evidence as requested on the Complaint Form. If further clarifications are required by the Complaints and Disciplinary Committee, these will be requested in writing and should be provided by the Complainant no later than 7 days after the request.
- 2.7 The Subject will be informed of the Complaint no later than 14 days after receipt of the Complaint and will be given the opportunity to respond to the Complaint.
- 2.8 The written response of the Subject should be submitted to the Complaints and Disciplinary Committee no later than 7 days after the request.
- 2.9 The Subject's response to the complaint will be evaluated by the Complaints and Disciplinary Committee in the context of the Complaint.
- 2.10 Based on all available information, the Complaints and Disciplinary Committee will reach a judgement on the Complaint. This should usually occur within 28 working days unless further investigation needs to be conducted. The decision will be conveyed to the Chair of the Steering Committee through the Chair of the Complaints and Disciplinary Committee.

- 2.11 The Complaints and Disciplinary Committee will endeavour to arrive at decisions by consensus and all members may contribute to the consensus-making process. Where a decision cannot be reached by consensus, the decision shall be made by a majority of the votes cast by all members of the Complaints and Disciplinary Committee. Each appointed member of the Complaints and Disciplinary Committee has one vote. External advisors do not have voting privileges. The Chair of the Steering Committee, as ex-officio Member, shall not have voting rights.
- 2.12 **If the complaint is dismissed**, no further action will be taken against the Subject. If the Complaints and Disciplinary Committee deems that the Complaint has been made for malicious reasons by the Complainant, disciplinary action will be considered. Malicious reasons are deemed to be acts done maliciously, ones that are wrongful and performed wilfully or intentionally, and without legal justification.
- 2.13 **If the complaint is upheld**, disciplinary action will be implemented in line with the Constitution of the Association, and in accordance with section 6 of this document.
- 2.14 **In the event of the complaint being upheld**, the Subject will have the right of appeal.

3 Guidelines for the Appeals Procedure

- 3.1 The Subject can appeal the Original Decision of the Complaints and Disciplinary Committee unless a reasonable case can be made by the Complainant regarding the procedural process.
- 3.2 All appeals will be heard by the Steering Committee of the Association.
- 3.3 The Steering Committee reserves the right to include external independent advisors in their deliberation as they see fit. The identity of the external advisor(s) will be made known to the Complainant and the Subject. The identity of the Complainant and Subject will not be disclosed to external advisors.
- 3.4 The Subject will have 14 days from the receipt of the judgement of the Complaints and Disciplinary Committee in which to lodge an appeal.
- 3.5 If an Appeal is submitted, the Steering Committee will have a maximum of 14 days after receipt of the Appeal in which to re-evaluate the complaint and provide their judgement.

- 3.6 The Steering Committee will endeavour to arrive at decisions by consensus. All Members of the Steering Committee may contribute to the consensus-making process. Where a decision cannot be reached by consensus, the decision shall be made by a majority of the votes cast by the Members of the Steering Committee, except those of the Members of the Complaints and Disciplinary Committee involved in the original decision. Each Member of the Steering Committee has one vote. External Advisors do not have voting privileges. In a tied vote, the Chair of the Steering Committee makes the final decision.
- 3.7 The appeals process must be completed within 28 days of the Original Decision of the Complaints and Disciplinary Committee.
- 3.8 **If the Original Decision is nulled**, no further action will be taken against the Subject.
- 3.9 If the Original Decision is upheld, the Steering Committee may decide to a) sustain the judgement of the Original Decision or, 2) decide to amend the Original Decision and propose less or more severe disciplinary actions based on the available evidence. Disciplinary action will be implemented in line with the Constitution of the Association, and in accordance with section 6 of this document.
- 3.10 The decision of the Appeal by the Steering Committee is final.

4 Guidelines for submitting a Complaint or Appeal

- 4.1 All communication between the Complainant, Subject and Association will be in writing. Correspondence in the first instance will be by email.
- 4.2 It is the responsibility of the Complainant and Subject to provide the correct contact details including a valid email address. Changes to contact details should be reported to the Complaints and Disciplinary Committee as soon as possible if the Complaints procedure is in progress. Failure to provide the correct contact details may lead to dismissal of the Complaint.
- 4.3 Complaints should be submitted through the Complaint Form posted on the Association's website. The completed Complaint form with supporting evidence shall be sent to: complaints@bafa.uk.
- 4.4 If additional information is requested relating to the Complaint, this shall be sent in writing to: complaints@bafa.uk. A unique number will be assigned to each Complaint which should be quoted in any correspondence relating to the Complaint.
- 4.5 An Appeal of the Original Decision shall be submitted by the Subject in writing to: complaints@bafa.uk. In the Appeal, the Subject is required to outline their motivations for the Appeal. The re-evaluation of the Original Decision is based on the evidence provided by the Complainant and Subject in the original Complaint.

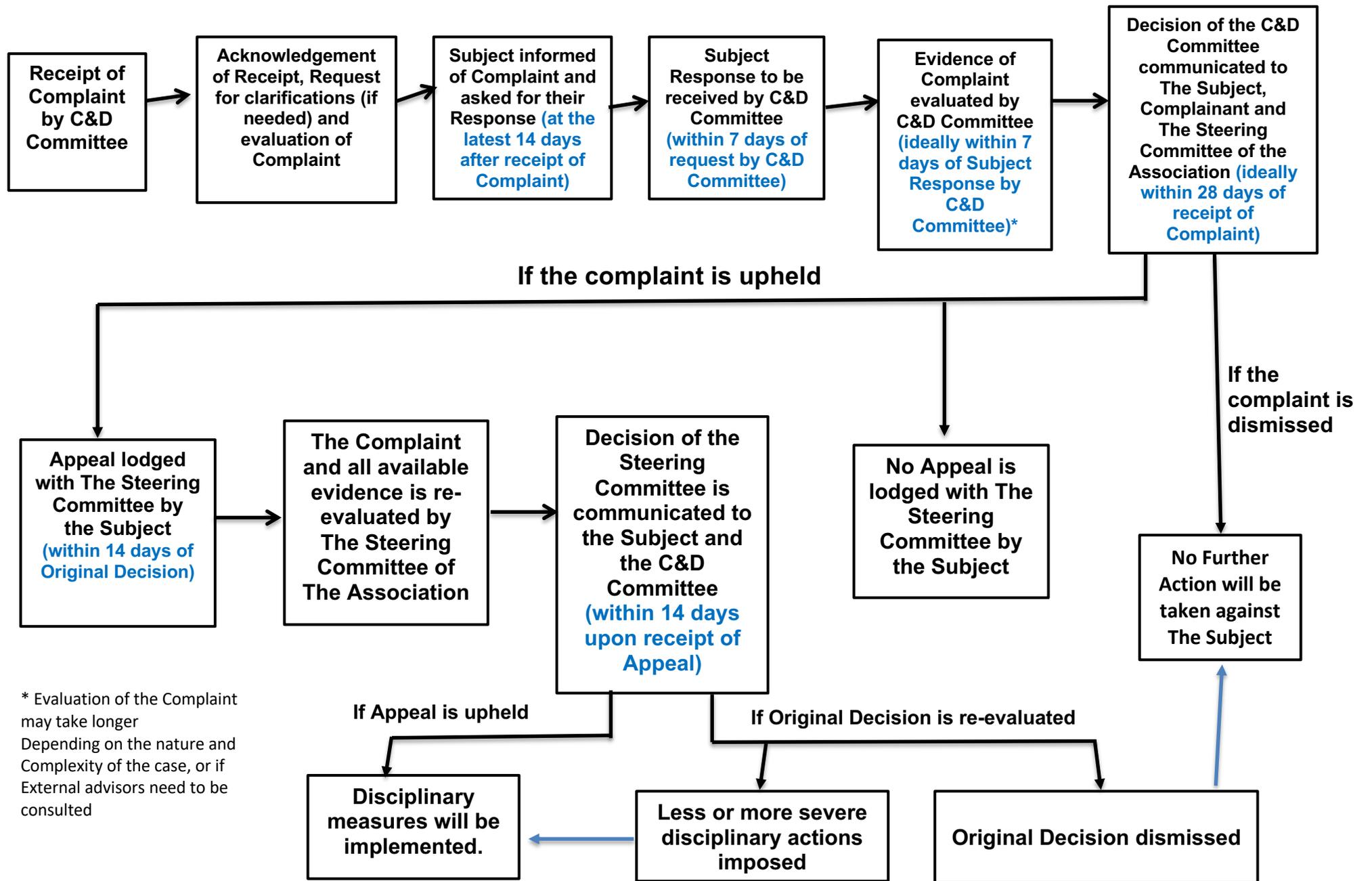
5 Regulations for membership of the Complaints and Disciplinary Committee

- 5.1 The Complaints and Disciplinary Committee will normally be formed from 3 Steering Committee members of the Association.
 - 5.2 The Complaints and Disciplinary Committee reserve the right to include external independent advisors in their deliberations as they see fit. The identity of the external advisor(s) will be made known to the Complainant and the Subject.
 - 5.3 In line with the Term of Reference, every member of the Complaints and Disciplinary Committee shall preserve confidentiality with respect to all information that comes to their knowledge in the course of their duties and shall not communicate any information to any other person.
 - 5.4 If a Complaint is made against a Member of the Complaints and Disciplinary Committee, the Chair of the Association relieves the subject from his involvement in this Complaint.
 - 5.5 If a potential conflict of interest arises between a Member of the Complaints and Disciplinary Committee and the Complainant and/or Subject, the respective Member shall make this known to the Chair of the Steering Committee and absent themselves from the discussion and voting, or put the decision to the entire Steering Committee on whether they should absent themselves.
 - 5.6 Guidelines for members of the Complaints and Disciplinary Committee and the Steering Committee in relation to complaints and appeals.
- 5.1 As a general rule, complaints and disciplinary procedures are private and confidential. Information and exchanges with the Association about the complaint should be kept securely, and not disclosed or discussed with parties not directly involved with the complaint. Complaints and investigations are sensitive matters, and it could cause detriment to or disclosed without proper authority.
 - 5.2 The Complaint will be considered if the allegation is within the remit of the Association's Code of Conduct. If the Complaints and Disciplinary Committee deems that the Complaint is not within their authority to investigate or pursue, alternative actions may be proposed to the Complainant.
 - 5.3 Where an investigation establishes a suspected criminal action in the UK, this will be reported to the police. The Association's investigation will only proceed in respect of those aspects of the case that are not directly related to the police investigation underway. The Chair of the Steering Committee will consult the police to establish whether an investigation into any other matters would impede their investigation.
 - 5.4 The Chair of the Committee under whose jurisdiction the Complaint or Appeal resides should undertake all communication regarding the matter to the rest of the Committee.

- 5.5 Complaints and Appeals will be assessed fairly, objectively and transparently.
- 5.6 This document and procedures are reviewed on a regular basis in line with the Terms of Reference of the Complaints and Disciplinary Committee.

6 Disciplinary outcomes

- 6.1 The outcomes will normally be progressive, however there may be instances where more serious action, including dismissal, may be warranted at an earlier stage.
- 6.2 The Complaints and Disciplinary Committee and Steering Committee may decide on the following courses of action for Complaints and Appeals, respectively:
 - a. *Dismissal* of the Complaint as unfounded or insufficient evidence is provided to support the Complaint;
 - b. *Formal oral warning*; This will usually be appropriate for a first act of misconduct where conduct falls below an acceptable level or a minor breach of the code of conduct has been committed and there are no outstanding written warnings. This warning remains valid for a period of 6 months.
 - c. *A written reprimand* to the Member in regard to future conduct; This will usually be appropriate for misconduct where there is already a live formal oral warning or where the misconduct is considered sufficiently serious to warrant a written warning even although the Member has no live warnings. A written warning remains valid for a period of 9 months.
 - d. Suspend membership for a period of up to 1 year; This will usually be appropriate for misconduct where there is already a live written warning and where the misconduct is considered sufficiently serious to warrant to suspend Membership of the Association.
 - e. Suspend membership indefinitely; This will usually be appropriate for misconduct where there is already a previous suspension of the Member by the Association.
- 6.3 Additional actions may be considered at the discretion of the Complaints and Disciplinary Committee depending on the individual circumstances of the case, and if they are deemed appropriate to further the promotion of professional standards.



* Evaluation of the Complaint may take longer depending on the nature and complexity of the case, or if external advisors need to be consulted