

USDBF Ethics Committee Complaint Review Protocol

This document, and the related Review Form, is intended for use by the USDBF Ethics Committee to track action on formal complaints. During any period of review, Committee members shall keep all information confidential. The Committee Chair shall only inform the USDBF Board of Directors that a complaint has been filed and provide updates on the status of review as feasible.

During review, the Committee shall strive to act within its Charter and within the USDBF Ethics Rules. The Committee shall strive to complete its review within 30 days of a complaint's receipt. Reasons for extending the review period beyond 30 days should be fully documented on the Complaint Review Form.

If the Ethics Committee Chair(s), or any Committee member at large, believes that any member of the Ethics Committee or the USDBF Board may have a personal interest in a given complaint, then that should be noted and the affected person shall be excluded from any involvement in the review process.

All aspects of the review should be kept confidential. However, all parties should recognize that if formal legal action is taken, then all aspects of the review may be subject to legal discovery.

Complaint Review Tracking / Checklist

Date complaint received (copy of complaint and sending email should be attached)

Review Steps (give dates and details as appropriate)

1. Initial (intake) review (by committee chair):

- a. Is the complaint within the Committee's jurisdiction / has code of conduct been violated?
- b. Is the complaint form fully completed? If not, what additional information is needed?
- c. Assign internal tracking / case number to the complaint.
- d. Is there any immediate action that appears necessary? If so, what and how should it be accomplished? (e.g. does it appear that a lack of immediate action may lead to health or safety concerns?)
- e. Does the complaint present a potential conflict of interest for any Committee / Board member?
- f. The Chair should send an email to the complainant, acknowledging receipt and giving brief outline of process moving forward. Boilerplate language to include:
 - i. The Committee will take this matter seriously and will review it as promptly as possible.
 - ii. The Committee may request additional information to assist with its review.
 - iii. Upon completion of its review, the Committee will submit a report with recommendations to the USDBF Board of Directors.
 - iv. If the complainant wishes to remain anonymous, the Chair should inform him/her that this may limit both the review and any potential action by the Board.
 - v. If the complainant believes he/she has or may be subject to retaliatory consequences then the complainant should inform the Ethics Chair about the details of those actions.

- vi. The complainant will be informed when the USDBF Board has made its final decision. That communication may not include specific information that the Board has determined to be confidential. The complainant will be reminded that there is a 30-day deadline to make a request for reconsideration and that such a request must be sent to the Ethics Chair.

2. Committee Review

- a. Meeting(s) should be documented (minutes taken) to include:
 - i. members in attendance / confirmation that quorum was met
 - ii. Does Committee feel that additional information is needed from the complainant?
 - iii. Date request for additional information was sent to complainant and date (and content) of response.
 - iv. Is there any potentially relevant information that the Committee is unable to obtain on its own? If so, how could it obtain that information?
- b. Complainant/Subject/Witness interviews

For any interviews conducted as part of the review, there should be at least two (2) Ethics Committee members on the call. The interviewer should record the time, date, and content of the interview and clearly inform all participants on a call that *either* the call may be recorded, *or* that the call is *not* being recorded, as the case may be. In addition, during any interview, the interviewer should let the interviewee know that:

 - 1. The interview is part of the Committee's review of an ethics complaint that has been filed.
 - 2. Due to confidentiality, the interviewer may be limited as to what information he/she can give to the person.
 - 3. The Committee review (including interviews like this) is part of the ethics rules and guidelines adopted by the USDBF Board of Directors.
 - 4. The purpose of the interview is to help the Committee obtain facts to aid in its review of the complaint.
 - 5. The interviewee is asked to give as truthful and complete information as possible.
 - 6. The interviewee has the right to ask that his/her name be kept confidential – however, this may limit the effectiveness of the information provided.
 - 7. Upon completion of its review, the Committee will make a report with recommendations to the Board, which will decide what further actions may be necessary.
 - 8. The interviewee is asked to keep all of this information confidential (including that a complaint was made).
 - 9. If the interviewee is concerned about potential retaliation, the interviewer should note that USDBF has zero tolerance for retaliation and that, should the interviewee experience such action, then he/she should contact the interviewer about the details of those events.
- ii. During the interview, the interviewer should act as an objective, neutral fact-finder. The interviewer should consider all of the following:

1. Ask open-ended questions (who/what/where/when/how/why).
 2. Ask questions that may provide relevant information, based on the complaint and its potential consequences.
 3. Listen carefully to help determine that the questions are fully answered.
 4. Ask follow-up questions.
 5. Identify/clarify any potentially conflicting information.
 6. Be careful about revealing any confidential information.
 7. Before concluding, ask if there is any additional information that the interviewee would like to give. Also ask if the interviewee may know of additional persons who could assist in the Committee's review.
 8. Encourage interviewee to forward any additional information they may recall/discover at a later date to the interviewer.
- c. Review completion. Once the Committee feels that its review of the complaint is fully completed, the Chair shall draft send a written report and send it the Committee for review and approval. Once Committee has approved the report, Chair shall forward it to the USDBF president for submission to the Board of Directors.

3. Committee Report to Board (shall):

- a. Include a copy of the original complaint, subject to redaction for anonymity.
- b. Summarize the facts as discovered by the Committee's review
- c. State whether or not the facts indicate that an ethics violation occurred
- d. Avoid assumptions, characterizations, and legal conclusions
- e. Include a recommendation for an outside investigator or legal counsel if necessary
- f. Include recommendations for action/resolution, as feasible.
- g. The Committee should consider the following format for its report to the Board:
 - i. Date complaint received and tracking number assigned.
 - ii. Brief summary of issues/questions investigated by the Committee.
 - iii. Brief summary of steps taken during the investigation. This includes a list of key parties/witnesses (and the content of their interviews) and of any relevant documents.
 - iv. Brief summary of findings/conclusions. Include a brief summary of the key facts that support the findings/conclusions.
 - v. Brief summary of any aggravating / mitigating factors.
 - vi. Committee recommendations for action, such as:
 1. anti-harassment/diversity training
 2. removal
 3. legal counsel

4. Committee Report to Complainant / Subject of Complaint

- a. A brief summary of findings and notice that same has been forwarded to the USDBF Board should be sent to the complainant. Communication should include timeline for reconsideration requests (within 30 days of USDBF Board's final decision).
- b. A courtesy notification should be sent to the subject of the complaint, indicating that: the

Committee's review has been completed and submitted to the USDBF Board; and that the USDBF Board will notify them of any further action, if any. Communication should include timeline for reconsideration requests (within 30 days of USDBF Board's final decision).

5. USDBF Board Action

- a. Ethics Committee shall document:
 - i. What action(s) the Board took in regard to the complaint (place copy of same in case file)
 - ii. The date of the Board's final decision and any follow-up actions

6. Request(s) for Reconsideration (must be made to the Ethics Chair within 30 days of the Board's final decision) should include:

- a. Date the request was made (and by whom).
- b. Argument presented for reconsideration.
- c. Date Ethics Chair sent the request to the Board.
- d. Action (and date of) taken by the Board.

7. Closing a Complaint

A complaint shall be considered closed once the Committee completes its review and submits its report and recommendations to the USDBF Board of Directors.