AMERICAN ACADEMY OF FORENSIC SCIENCES

BYLAWS

CHAPTER II - CODE OF ETHICS

SECTION 1 - 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 which is endorsed and adhered to by all members of the American Academy of Forensic Sciences:

Every member of the American Academy of Forensic Sciences shall refrain from any material misrepresentation of education, training, experience, or area of expertise.

Every member of the American Academy of Forensic Sciences shall refrain from any material misrepresentation of data upon which an expert opinion or conclusion is based.

SECTION 2 - GUIDING PRINCIPLES. Separate and distinct from the Academy’s mandatory Code of Ethics, yet essential to the attainment of the highest quality of professionalism, following are deemed to be guiding principles—voluntarily endorsed by all forensic scientists:

(a) The forensic scientist should maintain his professional competency through existing programs of continuing education.

(b) The forensic scientist should render technically correct statements in all written or oral reports, testimony, public addresses, or publications and should avoid any misleading or inaccurate claims.

(c) The forensic scientist should act in an impartial manner and do nothing which would imply partisanship or any interest in a case except the proof of the facts and their correct interpretation.

SECTION 3 - MEMBER LIABILITY. Any member whose professional or personal conduct becomes adverse to the best interests and purposes of the Academy shall be liable to censure, suspension or expulsion. The member shall be censured, suspended or expelled by action of the Executive Committee, following the appeal period or other actions required. In addition to the other alleged violations, investigative action may be initiated due to alleged violations under any of the following provisions of these Bylaws:

(a) CHAPTER I Section 1 - Misrepresentation of one or more of the criteria for membership in the American Academy of Forensic Sciences.

(b) CHAPTER II Section 1 - Violation of any of the provisions of the CODE OF ETHICS.

(c) CHAPTER IV Section 12 - The issuance of public statements as representing the Academy which are on matters outside existing Academy policy or which have not been worded and authorized by the Executive Committee.

SECTION 4 - INVESTIGATIVE BODY. There shall be constituted a standing Ethics Committee (see CHAPTER VI for composition) the primary functions of which will be:

(a) To order retrospective investigations and, as necessary, to serve as a hearing agency concerning past or present conduct of individual members which may constitute a violation of the provisions in CHAPTER II, Section 3.

(b) To act as an advisory body rendering opinions on the ramifications of contemplated actions by individual members in terms of the provisions of CHAPTER II, Section 3.

SECTION 5 - INVESTIGATION INITIATING ACTION. The following are the principal forms by which the Ethics Committee may initiate investigative proceedings:

(a) A member of the Academy may submit formal written allegations of violations concerning a member to the Secretary of the Academy (see Judiciary Process, below) or to the Chairman 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 inquiry or positive action under the provisions of these Bylaws. Appropriate to this form of action, Section Officers, upon receipt of a complaint concerning the professional or personal conduct of a member of their section, may refer said complaint to the Ethics Committee in writing, accompanied by a recommendation, if any, concerning the need for further investigation. Such recommendations, however, shall not be binding on the Ethics Committee. Similarly, whenever the Ethics Committee contemplates appointing an Academy Fellow or Fellows to investigate a member it shall consult with the Section Chairperson (or, if disqualified, the Section Secretary) of the applicable section for substantive advice concerning further action. Such advice shall not be binding on the Ethics Committee.
SECTION 6 - JUDICIARY PROCESS. The following procedure shall apply to any written allegations of unethical or wrongful conduct against a member of the Academy whether initiated by a member or resulting from an inquiry originated by the Ethics Committee.

(a) Written allegations against a member if delivered to the Academy Secretary, shall immediately be transmitted to the Chairman 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 Rules and Regulations formulated by the Ethics Committee and approved by the Executive Committee, assemble such written data from both the accused and the accuser which will permit the Ethics Committee to arrive at a preliminary determination whether probable cause exists to believe that the complaint is well founded and requires further investigation.

(c) If the Ethics Committee, in its preliminary determination, finds a lack of probable cause to believe that the complaint is well founded, it shall dismiss the complaint. It shall issue a report of such determination to the Executive Committee, setting forth the basic facts but omitting the names of the parties, and stating the reasons for its decision to dismiss. If such probable cause is found to exist, then the Ethics Committee may appoint an Academy Fellow or Fellows to investigate the allegations and then to present the charges on behalf of the Academy to the Ethics Committee. 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 to confront each other. It shall make a report, to include a recommendation, to the Executive Committee.

(d) Upon a vote of three-fourths (3/4) of the members of the Executive Committee present and voting, the party accused of unethical or wrongful conduct may be censured, suspended or expelled but the accused shall have the right to appeal such action to the voting membership of the Academy. No Executive Committee member who is the subject of a pending accusation under the provisions of CHAPTER II, Section 3 shall sit in deliberation on any matter concerning ethics.

(e) The accused has the right to appeal from the action of the Executive Committee to the Fellows of the Academy. In effecting an appeal, the appellant must file a brief typewritten notice of the appeal, together with any typewritten statement he may wish to submit in his behalf, with the Academy Secretary not less than sixty (60) days prior to the next Annual Meeting of the Academy. The Secretary shall immediately advise each member of the Executive Committee of the appeal and shall forward to each a copy of the supporting papers submitted by the appellant.

(f) The Executive Committee shall then prepare a written statement of the reasons for its actions and file the same with the Academy Secretary not less than forty (40) days prior to the next Annual Meeting.

(g) Within ten (10) days thereafter, the Academy Secretary shall mail to each voting member of the Academy a copy of the appellant's notice of appeal and his supporting statement, if any, and a copy of the Executive Committee's statement.

(h) A vote of three-fourths (3/4) of the Fellows present and voting at the Annual Business Meeting shall be required to overrule the action of the Executive Committee in regard to censure, suspension or expulsion of a member.

(i) 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 Executive Committee.