

SCJA Misconduct Review Committee

Adopted _____

The Southern Criminal Justice Association (SCJA) Misconduct Review Committee (MRC) is charged with addressing complaints of ethical problems, personal abuse, and/or retaliation allegedly caused by members of SCJA during their professional capacity in the association and at sponsored events. Activities include the investigation and adjudication of complaints and counter-complaints made by: 1) Individuals attending a SCJA conference or function regarding the ethical conduct of SCJA Members; and 2) members' complaints about Members in SCJA who are operating on behalf of the Association, including Officers; Committee Chairs; Journal Editors, staff and editorial board members; and others who are operating in their professional capacities for SCJA.

A. OPERATING RULES OF MRC

1. Membership. The MRC is comprised of **six** members, serving staggered three-year terms. The immediate Past President of the SCJA will also serve as an ex-officio member of the MRC. Nominations for potential members will be solicited by SCJA members. Such nominations are due to the SCJA Executive Board by _____. The Executive Committee, comprised of the current SCJA President, SCJA First Vice President, and SCJA Second Vice President, will appoint MRC members from among the nominations and other qualified SCJA members willing to serve.

Once the initial membership is determined, the MRC members will elect one of its members to serve as the Chair. The MRC Chair is selected by a majority of currently serving MRC members. The Chair will appoint a subset of 3 members of MRC (subcommittee) to examine each individual complaint ("Investigation Panel"). Any reference to MRC below may also refer to an appointed subcommittee.

After the initial year of membership is completed, each new incoming MRC member will serve a three-year term. After the initial year of membership, new MRC members will be appointed by the Executive Board according to the nomination process outlined above for the initial membership.

After the end of their term of office, members of MRC may, at the discretion of the MDC Chair, continue to participate in the investigation of a matter to which they were previously assigned. Such members may also participate in reaching the findings and recommendation of the Investigation Panel with respect to that matter.

2. Quorum and Voting. A quorum for the transaction of business at any meeting of MRC shall consist of a majority of the members serving in office or on an appointed subcommittee. All motions will be decided by a majority of members present and voting.

Any action of MRC that could be taken at an in-person meeting may be taken without an in-person meeting upon the affirmative majority vote, in writing, including by electronic communication, of all members of MRC then in office or of the given subcommittee .

3. Code of Conduct. Members of the MRC will be subject to the SCJA Member's Code of Conduct. No member of the MRC shall participate in the deliberations or decision of any matter with respect to which the member has a conflict of interest. In the event of such a conflict, the member should inform the MRC and recuse themselves from any deliberation or decision on the matter. This provision will not apply when _____ itself is the complainant.

4. Types of Complaints. The Committee will not consider disputes being actively litigated by another organization, as exhibited by an initial complaint filed in court or a charge filed with an administrative agency or in a criminal court. The MRC will also not consider disputes that are currently being reviewed by another professional body. If timely, parties to a dispute are free to bring their allegations to the MRC after a dispute has been litigated, after a professional body has rendered its decision or has been tabled for review by another organization. Members of SCJA are obliged to respond to the informational needs of the MRC and its representatives.

A complaint may not be accepted or initiated if it is received more than 24 months after the alleged conduct either occurred or was discovered, except as set forth below. A complaint received after the 24-month time limit set forth in this paragraph may be accepted only if the Chair determines that there is good cause for the complaint not to have been filed within the 24-month time limit. No complaint will be considered if it is received more than five years after the alleged conduct occurred or was discovered.

Although the MRC will investigate complaints related to participation in the SCJA conference and SCJA-related activities, it does not investigate complaints about criminologists and criminal justice practitioners that do not involve the SCJA nor does it consider complaints about editorial decisions of the *American Journal of Criminal Justice* unless the complaint relates to one of the policies covered by the MRC.

5. Confidentiality. The filing of a complaint and all related proceedings shall be kept confidential to the fullest extent possible under applicable laws by the MRC, the investigators, and the SCJA President prior to a final determination of the matter. The identity of the complainant and accused will only be known by SCJA legal counsel, complainant and accused. Grievances considered by the MRC will reference person X, person Y and so forth regarding the involvement of complainant and accused.

B. SUBMITTING AN INDIVIDUAL GRIEVANCE

Individuals who believe they have been the subject of conduct in violation of SCJA's policies **Submit a Formal Complaint to MRC.** Individuals may submit a grievance or concern using the SCJA reporting platform. This confidential reporting tool assists SCJA with reports of alleged violations of the SCJA Anti-Harassment Policy. If any actions that may be in violation of the SCJA Anti-Harassment Policy are observed or reported to any SCJA staff member, Executive Board member, conference attendee, or venue employee, and there is a question of immediate physical

danger, steps should be taken to ensure immediate safety of all attendees and staff, regardless of any complaint procedure that may follow.

a. Acknowledgement of a Complaint. Upon receipt of a complaint via the online incident reporting platform, legal counsel shall communicate to the complainant that the complaint has been received as soon as possible and no later than within 3 business days. The complainant must provide their identity in order for a complaint to be reviewed by the MRC. As noted previously, the identity of the complainant and accused will only be known by SCJA legal counsel.

b. Preliminary Screening of a Complaint. The complaint will initially be reviewed by legal counsel to SCJA. If the initial review shows that the complaint does not include all the information required or is untimely, legal counsel shall inform the complainant and provide them with thirty (30) days to provide additional information. If the complainant fails to provide additional information within 30 days of being contacted by the Chair or their designee, or the matter was untimely, the matter will be closed, and the complainant will be so notified.

Once a determination is made that the complaint is timely and complete, the Chair and the SCJA President or their designee shall then evaluate whether there is a viable claim for the MRC to consider. A viable claim shall exist when the allegations, if proved, would in the judgment of the Chair and the President or their designee constitute a major violation of the policies and standards in Section A. If a viable claim is determined to exist, a formal case will be initiated, and the complainant will be notified within 15 business days of the acknowledgement of receipt of the claim. If a determination is made that a viable claim does not exist, the complaint will be dismissed, and the complainant shall be notified within 15 business days of the acknowledgement of the complaint. The complainant will then have 15 business days to seek reconsideration of this decision. If reconsideration is sought, the Chair shall appoint within 15 business days three members of the MRC randomly selected to review the complaint in addition to the complainant's request for reconsideration (Review Committee). If the Review Committee determines there is a viable claim and overturns the initial decision, a formal case is initiated, and the complainant will be notified within 15 business days. If the Review Committee affirms there is not a viable claim, the complaint will be dismissed, and the complainant shall be notified. The Review Committee shall have 15 business days of being appointed to review the complaint to reach a decision.

If a formal complaint is initiated, the Chair will appoint an Investigation Panel of three members and provide all relevant materials to the Investigation Panel regarding the complaint. The Investigation Panel will be responsible for equal distribution of the workload,

c. Investigation. The Investigation Panel will conduct an appropriate investigation, which includes interviewing both/all parties and any witnesses to the incident identified by either party, as well as reviewing relevant documentation. If the respondent to a complaint is a staff member, officer, or member of the AJCJ editorial staff, the Investigation Panel may recommend at this time that the respondent be temporarily relieved from their SCJA responsibilities directly related to the allegations for the duration of the investigation. This

recommendation by the Investigation Panel must be unanimous and may be appealed by the respondent according to the procedures outlined in Section g below.

d. Report. Upon completion of the investigation, the Investigation Panel will write a brief preliminary report stating whether it finds that the respondent violated SCJA policies and the recommended correctional measures, if any. The Investigation Panel will provide the respondent and complainant with 15 business days to respond to the preliminary report and recommended correctional measures in writing prior to issuing a final report and imposing any applicable correctional measures.

If after receiving a respondent's and complainant's responses to the preliminary report, the decision of the Investigation Panel has changed, a revised preliminary report will be issued within 15 business days giving respondent and complainant a second opportunity to provide a response within 15 business days.

After reviewing the respondent's and complainant's responses, the Investigation Panel will submit a written summary of its final decision and any recommended correctional measures adopted by majority vote of the Investigation Panel, to the full MRC.

e. Final Decision. An MRC meeting will be held to vote on the Investigation Panel's decision and recommendations. The MRC will vote on adopting the Investigation Panel's decision and recommendations in full, to reject both the Investigation Panel's decision and recommendations, or to adopt the Investigation Panel's decision but change the Correctional Measures to be implemented. If the MRC votes to accept the Investigation Panel's decision, but changes the Correctional Measures, the MRC must specify which Correctional Measures will be implemented and the reasons supporting the change. All votes taken on these matters will be by a majority. The final decision will be sent in a final report to the accused and complainant via SCJA legal counsel within 3 business days of the MRC meeting. If the MRC requires more time to make its final decision, both the respondent and complainant will be notified every 15 business days. The entire process, from submitting a complaint to receiving a final report, may take as long as 5-6 months.

f. Correctional Measures. When a complaint is found to have merit, the respondent may be subject to one or more of the following correctional measures:

1. Issuing a written warning and retaining a record of that warning in case of future violations
2. Termination of any current or scheduled SCJA conference participation and any SCJA responsibilities or appointments held
3. Barring the person from assuming any future governance positions within SCJA
4. Barring the person from participating in future SCJA conferences or events, and/or
5. Revoking SCJA membership.

g. Appeals. Should the accused wish to appeal the final decisions and/or any correctional measures in the final report, an ad-hoc appeals committee will be comprised of the Executive Board of the SCJA, with the Chair of MRC as an ex-officio member for information purposes. Any party who is involved in the dispute or closely related to a party involved in the dispute would be recused and replaced by the First Vice President with the most seniority. All appeals must be made in writing within 15 business days of the final report being sent to respondent and complainant.

A copy of the appeal request will be shared with the other party, and that party will have 15 business days to submit a response, should they decide to do so.

The ad-hoc committee will not re-investigate the complaint, but will review the MRC reports, appeal, and response, if available. Decisions of the ad-hoc appeals committee are final and should be made and conveyed to both the complainant(s) and respondent(s) within 15 business days.

PROPOSAL