



Considerations for Reporting an Alleged Violation Against a BCaBA/BCBA

Overview

Use this checklist to help determine if you should report a potential violation against a BCaBA/BCBA applicant or certificant by submitting a Notice of Alleged Violation to the BACB Ethics Department. Always refer to the BACB website to access and review the most current version of the [Professional and Ethical Compliance Code for Behavior Analysts](#). If you are considering submitting a Notice of Alleged Violation against an RBT, please use the [Considerations for Reporting an Alleged Violation by an RBT](#) document.

If you answer *Yes* to a question, continue on to the next question. If you answer *No*, please stop and address the issue.

Considerations BEFORE Reporting an Alleged Violation Against a BCaBA/BCBA

Question to consider	Details to consider	Yes	No
Is there any indication that addressing the concern directly with the individual will worsen the situation or be problematic in some way?	7.02(c) of the Professional and Ethical Compliance Code for Behavior Analysts indicates that, in situations where an informal resolution seems possible, it is best to first attempt to address the issue with the individual. In many cases, simply discussing a potential violation of an ethics requirement might do the trick. It may be the case that the individual is not aware of the violation, or does not understand that their actions could be viewed by others as a violation. If you attempt to address the issue directly, remember to document those attempts and the outcomes for your records.		
Does the BACB have jurisdiction over this individual?	The BACB can only enforce violations of ethics requirements against applicants or certificants. An individual becomes an applicant once fees are paid for an exam application. If the BACB does not have jurisdiction over the individual of concern (e.g., a trainee), consider having a discussion with that individual's direct supervisor.		
Is there an alleged violation of a specific ethics requirement?	For the BACB to process a Notice of Alleged Violation, there must be at least one specific code element involved. It is important to carefully read the language included in the relevant code element. If you find that several code standards apply, select the ones that present risk of harm to clients or others, and the ones for which you have the strongest supporting documentation. It may also be helpful to check the ethics-related BACB Newsletters to see if the BACB has published an article discussing the specific code element. If you cannot identify a specific code that potentially has been violated, it may be worth having a direct conversation with the individual about your concerns.		
Is there clear and direct supporting documentation of the alleged violation?	For the BACB to process a Notice of Alleged Violation, there must be clear supporting documentation of the alleged violation. The BACB does not conduct investigations or interviews with individuals involved in a Notice of Alleged Violation. The BACB can only evaluate and consider the documentation submitted by the Notifier and the Subject. If possible, strive to submit direct documentation related to an alleged violation (e.g., video, reports or other documents, clear email or text communications). If the documentation includes witness statements, it is best for the witnesses to complete a notarized affidavit . If the incident has been reported to other agencies, include available documentation (e.g., complaint forms, charging documents, final determinations from hearings or investigations).		

Question to consider	Details to consider	Yes	No
<p>Did the alleged violation occur in the last 6 months or did you become aware of it within that time frame?*</p> <p><i>*If the answer is No, but the alleged violation is directly related to consumers' physical or emotional safety, or billing fraud, please submit.</i></p>	<p>Identify the date of the incident (or first occurrence), or the point at which you could have reasonably known about the incident. Notices must be filed within 6 months of the incident date or the date on which you became aware of the incident. However, BACB staff have the discretion to extend the deadline in cases involving allegations of abuse or billing fraud, and if doing so would not impede the ability of the Subject of the Notice to respond.</p> <p><i>Note:</i> To avoid retaliatory actions against those who report ethical violations to the BACB, the BACB has the discretion to decline Notices submitted by the Subject of an active Notice against those involved in the original submission for 60 days from the completion of the original Notice (e.g., notice is formally declined, activities required by the Educational system are completed, Disciplinary or Appeal Determination is received).</p>		
<p>If the alleged violation must be reported to another agency (e.g., licensure/regulatory board, police, other state agency, third party funder) have you done so?</p>	<p>In some instances, you must file a complaint with the appropriate agency before submitting a Notice of Alleged Violation with the BACB.</p> <ul style="list-style-type: none"> • States with Licensure — If the Subject of the Notice lives in a state with licensure for behavior analysts, you must first report the incident to the appropriate licensure agency or board and include relevant case information in your Notice to the BACB. • Mandatory Reporting — If you are mandatory reporter, you must first submit a complaint with the appropriate agency. • Police — If the incident of concern involves the violation of a law, you must first submit to the relevant legal authorities. • Other Organizations — You may be required to report the incident to other required organizations or agencies (e.g., human rights committee, third-party payor). 		

Gather and Prepare all Supporting Documentation

- ▶ Any documentation that includes protected or identifying information (e.g., client name, address, date of birth) must be redacted. This can be done by removing the information from an electronic document and replacing it with generic terms (e.g., NAME, GENDER, XX/XX/XX). This can also be done in electronic documents by highlighting the sensitive information in black or placing a black box over the information (e.g., name, date of birth, photographs). For hard copies of documents this can be done by using a marker or correction ink or tape to cover the sensitive information before scanning or taking a photo.
- ▶ All documents with sensitive information must be converted to PDFs.
- ▶ When taking screenshots of websites, emails, or text messages, it is best to validate the date/time of the screen shot by capturing the date/time on the screen.
- ▶ When taking screenshots of text messages, it must be clear when the text messages occurred and with whom the conversation occurred (e.g., the name of the individual should appear at the top of the screenshots).
- ▶ Video and audio files cannot be uploaded to the online Notice forms. If you have video or audio files as supporting documentation, indicate so in the description of the violation and the BACB will contact you with a link to a folder where you can upload the files.
- ▶ If you are submitting a video that includes images of other clients, you must blur those individuals, or obtain appropriate consent to share the video (include indication of such consent in the supporting documentation).
- ▶ It is best to combine all supporting documentation into one PDF with page numbers and a table of contents, if possible. It is also best to name each separate piece of supporting documentation and link it to an alleged code violation.