



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 (Notice) to the BACB Ethics Department. These considerations are based off of the BACB’s [Code-Enforcement Procedures](#). You are not required to use this checklist, but it will help you submit a clear and thorough Notice. Always refer to the BACB website to access and review the most current version of the [Ethics Code for Behavior Analysts](#). If you are considering submitting a Notice against an RBT, please use the [Considerations for Reporting an Alleged Violation Against 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 or consideration before submitting a Notice.

Considerations BEFORE Reporting an Alleged Violation Against a BCaBA/BCBA

Question to consider	Details to consider	Yes	No
Is there clear and direct supporting documentation of the alleged violation?	For the BACB to process a Notice, there must be clear supporting documentation of the alleged violation. The BACB does not conduct investigations or interviews with individuals involved in a Notice. 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 situation has been reported to other agencies, include available documentation (e.g., complaint forms, charging documents, final determinations from hearings or investigations).		
Do the details of the alleged violation(s) require reporting to a local entity (e.g., licensure or regulatory board, court of law overseeing open charges) or other stakeholders (e.g., employer, funder, contracted school districts, regional centers, case managers coordinating disability services)?	<p>In some instances, you must file a complaint with the appropriate agency before submitting a Notice to the BACB.</p> <ul style="list-style-type: none"> • States with Licensure — If the situation occurs in or the Subject of the Notice lives in a state with licensure for behavior analysts, you must first report the situation to the appropriate licensure agency or board and include relevant case information in your Notice to the BACB. For more information, please visit the BACB’s U.S. Licensure of Behavior Analysts web page. • Mandatory Reporting — If you are mandatory reporter, you must first submit a complaint with the appropriate agency. • Police — If the situation 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 situation to other required organizations or agencies (e.g., human rights committee, third-party payor). 		

Question to consider	Details to consider	Yes	No
<p>Is there any indication that addressing the concern directly with the individual will worsen the situation or be problematic in some way?</p>	<p>If there is any indication that a direct conversation with the individual could resolve the issue or concern, you should have that discussion before submitting a Notice. In many cases, simply having a conversation about the potential ethics violation can resolve the issue, as the individual might not be aware of the violation or might not understand that their actions are perceived as a violation by others. If you attempt to address the issue directly, please document all attempts and outcomes. If the issue is not resolved after you attempt to address it, please submit that documentation with your Notice.</p>		
<p>Does the BACB have jurisdiction over this individual?</p>	<p>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.</p>		
<p>Is there an alleged violation of a specific ethics requirement?</p>	<p>You are not required to identify a specific standard in the Ethics Code for Behavior Analysts that you believe the individual violated. Instead, please describe the potential violation(s) clearly and provide context. For example, you might describe the setting in which the situation took place, the actual or perceived harm that occurred, the relationships of the individuals involved, whether the situation was related to employment, or how the reported violation of the employer's policy relates to the Code. If you wish to provide specific standards that you believe the individual violated, you may indicate up to five.</p>		
<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 situation (or first occurrence), or the point at which you could have reasonably known about the situation. Notices must be filed within 6 months of the situation date or the date on which you became aware of the situation. 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: To avoid retaliatory actions against those who report ethics 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).</i></p>		

Gather and Prepare all Supporting Documentation

- ▶ **Please do not submit more than 20 pages of supporting documentation per Notice.** This ensures that you support and contextualize your allegation(s) with the clearest documentation possible. If you feel strongly that you must submit more than 20 pages, please indicate that in the description of the violation, and the BACB will contact you to request the additional documentation.
- ▶ This is your chance to thoroughly support your allegations. If possible, please submit direct documentation, such as reports, emails, or screen shots. If your allegations are solely based on your account of the situation, consider submitting an [affidavit](#) of your statement or any witnesses' statements. You may also submit a cover letter summarizing your concerns.
- ▶ 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 of your supporting documentation into one PDF. To keep things organized, name each piece of supporting documentation and link it to the ethics standard it allegedly violates. It is also smart to add page numbers and create a table of contents, especially if you plan to submit many detailed pages of supporting documentation.