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The Accreditation Commission for Traffic Accident Reconstruction

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ACTAR CODE OF CONDUCT ACKNOWLEDGEMENT

Everyone who takes the ACTAR Accreditation Exam is required to read and sign this form indicating that they will comply with the ACTAR Code of Conduct. The code of Conduct is outlined in Articles 6-8 of the ACTAR Bylaws. The particular sections are as follows:

ARTICLE 6

1. Code of Conduct

ACTAR recognizes that traffic collision reconstruction is a sophisticated and learned profession that has a direct and critical impact on the quality of life for all people in need of the specialized attributes offered by this profession. All traffic collision reconstructionists accredited by ACTAR, therefore, are expected to be honest, impartial, fair and ethical in the services they provide. Likewise, it is recognized that many scientific principles form the foundation of traffic collision reconstruction and as such, accredited reconstructionists are expected to apply these principles in a scholarly and knowledgeable manner.

Notwithstanding the adherence to laws, rules or regulations enacted or promulgated by authorized government, certifying or licensing entities, all traffic collision reconstructionists accredited by ACTAR are expected to conform to a basic standard of professional behavior while engaged in the activities or duties related to any traffic collision reconstruction services. ACTAR does recognize that the profession of traffic collision reconstruction comprises individuals representing many vocations and disciplines and that through their respective vocations and disciplines, many of these persons are already licensed, certified or subject to a separate code of conduct. The standards of conduct established by ACTAR are not intended to conflict with the standards or requirements of other professions.

ARTICLE 7

1. Discipline of Unacceptable Conduct

Any ACTAR accredited individual who conducts himself/herself in an unacceptable manner, as enumerated by this Article, shall be subject to action as defined herein.

2. Unacceptable Conduct

Unacceptable conduct subject to action by ACTAR is defined as follows and is applicable whenever an accredited individual acts as a traffic collision reconstructionist.

- a. Conviction, judgment or sanction by a court, administrative board or professional licensure review board having legal jurisdiction for an act of perjury
- b. Conviction, judgment or sanction by a court, administrative board or professional licensure review board relating to falsification or spoilation of evidence intended for, or reasonably deemed to be intended for, use in a legal matter.
- c. Conviction, judgment or sanction by a court, administrative board or professional licensure review board having legal jurisdiction for an act of slander or libel with the intent to injure or discredit the professional reputation of another accredited individual or other person involved in a traffic collision reconstruction matter.
- d. Conviction, judgment or sanction by a court having jurisdiction for any act of breach of confidentiality.

3. Action

Any substantiated act of unacceptable conduct, as defined above, will result in the permanent revocation of an individual's ACTAR accreditation.

ARTICLE 8

1. Complaint Procedure

Any complaint alleging a violation or infraction of Article 7 of the ACTAR By-Laws against an accredited individual is to be submitted in writing to the attention of the ACTAR GBOD chairperson and must be signed and notarized. The complaint must include all substantiating documentation such as, but not limited to, certified court documents, transcripts of proceedings, depositions, court decisions, etc. The complainant must provide one certified or notarized original set and two copied sets of all submitted documents. All such material is to be obtained and submitted to ACTAR at the expense of the complainant.

Upon receipt of the required documentation, the ACTAR Chairperson will acknowledge receipt of the complaint in a written response to the complainant. The acknowledgement will be sent via certified mail. The Chairperson will then institute the review process, as outlined below.

2. ACTAR Actions – Initial Review

- a. In addition to providing a written acknowledgement to the complainant alleging an ACTAR code of conduct infraction, the individual subject of the complaint of the infraction will also be notified in writing after the initial review has been completed.
- b. The ACTAR chairperson will appoint three members of the GBOD, who have no personal affiliation with either the subject of the complaint or complainant, to review the complaint and submitted material. Only the material submitted by the complainant will be used to assess and render an opinion of the complaint. Upon considering the material, the three-member complaint review committee will return an opinion of either "COMPLAINT WITH MERIT" or "UNSUBSTANTIATED" to the ACTAR Chairperson. Within the context of this opinion, these terms represent a majority determination by the complaint review committee and are defined as:
COMPLAINT WITH MERIT – The evidence presented supports the complaint against the individual.
UNSUBSTANTIATED – The evidence presented was insufficient to support the complaint against the individual or that the committee failed to reach a majority decision.

The ACTAR Chairperson, in consultation with the appointed complaint review committee, will establish the duration of the review process.

- c. Complaint Review Committee findings – "Unsubstantiated": In the event that the committee renders an opinion of "unsubstantiated" for the complaint, the ACTAR chairperson will provide a written notification, both to the subject of the complaint and to the complainant, of the determination, with a statement that no further action will be taken.
The written notice to the subject of the complaint will include a summary of the complaint, the source of the complaint and a description of the material provided for review. This correspondence will be sent via certified mail, with a return receipt requested.
- d. Complaint Review Committee finding "Complaint with Merit" – In the event that the committee renders a majority opinion to continue the review process of the complaint, the ACTAR chairperson will provide a written notification, at the address of record, to both the subject of the complaint and the complainant of the determination, with a statement that the matter will be referred to the full GBOD (voting members) for final determination.
The written notice to the subject of the complaint will include a summary of the complaint, the source of the complaint and a complete set of the documentation provided for review. The correspondence will be sent via certified mail, with a return receipt requested.

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- e. The subject of the complaint has the opportunity to provide written materials or documentation for consideration by the voting members of the GBOD. This documentation shall be submitted to the Chairperson of the GBOD within 90 days from the date of the original written notice made by the Chairperson of the GBOD. The ACTAR Chairperson may grant additional time for the acquisition of additional evidence.

3. GBOD Actions – Complaint

- a. The ACTAR Chairperson will arrange for a review of the complaint and related materials or documentation by all voting members of the GBOD, who have not recused themselves from the review. The Chairperson will determine the most feasible method for GBOD review of the complaint and related materials. The Chairperson may convene a special review, via mail or other form of communication, with the GBOD, depending upon the nature and availability of supporting documentation. The Chairperson may, in consultation with the complaint review committee, convene the review of the complaint at the next scheduled GBOD annual meeting.
GBOD members may voluntarily recuse themselves from the review and determination process for any reason and shall recuse themselves if the matter represents any conflict of interest, as determined by the GBOD.
- b. Upon review of the documentation submitted regarding the complaint, each voting GBOD member will render a determination of “substantiated” or “unsubstantiated” for the complaint. A two-thirds (2/3) decision by the GBOD members voting on the complaint is required for a “substantiated” finding of the complaint.
- c. The ACTAR Chairperson will provide written notification to both the subject of the complaint and complainant of the determination rendered by the GBOD.
Notification of an “unsubstantiated” determination will include a statement that no further action on the matter will be taken. The correspondence to both parties will be sent via certified mail, return receipt requested.
Notification of a “substantiated” determination will include a statement that the ACTAR accreditation of the subject of the complaint will be revoked, as itemized in Section 6 of this Article. The correspondence will be sent via certified mail, with return receipt requested.

4. Appeal of a Substantiated GBOD Determination

- a. Included with the written notification of the “substantiated” determination, the subject of the complaint will be advised of a 60-day appeal period during which the subject of the complaint may appeal the GBOD decision. The appeal period begins on the day the certified correspondence is sent to the subject of the complaint.
- b. The appeal must be in writing and sent to the attention of the ACTAR Chairperson, via certified mail. The appeal request must be detailed and include only additional evidence that was unavailable to the GBOD at the time of review.
- c. Upon receipt of all appeal documentation, the ACTAR Chairperson will arrange to have the GBOD voting members, who participated in the GBOD complaint determination, examine the material and render a decision whether to uphold or overturn the revocation of ACTAR accreditation.
- d. A two-thirds (2/3) majority of the GBOD is required to overturn a finding of “SUBSTANTIATED” for the complaint. If the decision is not overturned, the initial determination will be final. If the decision is overturned on appeal, a determination of “UNSUBSTANTIATED” will be recorded for the subject of the complaint.
- e. Both the subject of the complaint and complainant will be notified via certified mail, return receipt requested, of the final determination by the GBOD.

5. GBOD Final Determinations and Accreditation Revocation

Any finding of “UNSUBSTANTIATED” for a complaint is final and may not be appealed.
A finding of “SUBSTANTIATED” for a complaint is final and may not be appealed further.

6. Effect of Final Determination

At the conclusion of the appeal process or the 60 day time period to file an appeal, a final determination of “SUBSTANTIATED” will result in the revocation of the ACTAR accreditation of the subject of the complaint. An individual whose ACTAR accreditation has been revoked may not seek reinstatement of his accreditation.

By signing below, you are acknowledging reading and understanding the ACTAR Code of Conduct and are acknowledging a receipt of a copy of these sections of the ACTAR Bylaws.

(signature)

(Printed name and date)

ACTAR #