



Notice of Alleged Violation

Instructions

Before filing a *Notice of Alleged Violation* ("Notice") you will need to:

1. Review the [Professional and Ethical Compliance Code for Behavior Analysts](#) ("Code") to determine if the incident(s) could be considered a violation by the BACB.*
2. Identify the incident date or the point at which you could have reasonably known about the incident. Notices must be filed within 6 months of the incident date.
3. Determine if the incident could be resolved with appropriate parties (e.g., certificant, supervisor), if applicable, before submitting a Notice to the BACB.

Note: If you are a behavior analyst reporting the violation, carefully review "7.02 Ethical Violations by Others and Risk of Harm" in the *Code* to ensure you are in compliance.

**BACB legal staff are available by email (bacblegal@bacb.com) to help you determine if an incident should be reported.*

When filing a *Notice*, you will need to:

1. Collect documentation relevant to the alleged violation(s), including:

Evidence of violation(s)- Documentation to support the allegation(s), such as, emails, behavior support plans (relevant pages only), supervision forms, evidence of criminal charges. The BACB will typically refrain from acting on cases that lack supporting documentation.

Remove or black-out text that specifies identifying information, such as client name, address, date of birth, etc.

Witness statement(s) - If there are additional witnesses to the incident, at least one witness should complete and notarize an [affidavit](#).

Litigation - If there has been a lawsuit filed, include any relevant documentation such as the final determination.

Complaints filed with other agencies - If a complaint has been submitted to another agency (e.g., governmental agency, third-party payor), include any relevant documentation, such as, official documentation, copy of the complaint, findings of fact, and the final determination.

2. Create one single PDF (maximum 100 pages) of documentation (i.e., evidence of violation, witness affidavits, litigation, complaints filed with other agencies). If you need assistance in creating the PDF document, contact the BACB at bacblegal@bacb.com.

3. To the best of your ability, complete the *Notice of Alleged Violation* (this form) and sign.

Note: The BACB only permits electronic signatures using an independent verification process, such as EchoSign or DocuSign.

4. Email this form and the relevant documentation to **bacblegal@bacb.com**.

Note: More complete *Notices* will be processed more efficiently and quickly by the BACB.

Subject of the Notice Information

Name of alleged *Code* violator ("Subject")

(complete a separate Notice of Alleged Violation for each person named in the Notice)

Subject's credential

Registered Behavior Technician (RBT)

Board Certified Assistant Behavior Analyst

Board Certified Behavior Analyst

Board Certified Behavior Analyst- Doctoral

Applicant for certification

Country of violation

U.S. State of violation

Known license(s) held by the Subject

Subject's address

Subject's phone number

Subject's email address

Is this Notice related to another *Notice of Alleged Violation*?

Yes

No

If yes, who was named in the other *Notice*?

Employer Information

Name of employer/organization

Employer address

Employer phone number

Employer email address

Supervisor Information

Name of Subject's supervisor (*if applicable*)

Supervisor address

Supervisor phone number

Supervisor email address

Description of Alleged Violation

Date(s) of the alleged violation

Date(s) the service was provided, if applicable

What sections of the [*Professional and Ethical Compliance Code for Behavior Analysts*](#) were violated (indicate up to five sub-sections)

Provide a description of the alleged violation(s) in relation to the specified *Code* area(s).

Evidence of Alleged Violation

Do you have relevant documentation to substantiate the alleged violation(s) (e.g., emails, behavior support plans, supervision forms)?

Yes

No*

**The BACB will typically refrain from acting on cases that lack supporting documentation.*

Attach the evidence of the alleged violation to the single PDF of supporting documents and submit with this *Notice* (remove or black-out client identifying information).

Briefly describe each document and how it relates to the alleged violation(s).

Witness(es)

Are there other witnesses who are able to verify the alleged violation(s)?

Yes

No

Unknown

If there are witnesses, include notarized [affidavit\(s\)](#) from each witness in the completed PDF of supporting documents and submit with this *Notice*.

Litigation

Has litigation been filed or is pending?

Yes

No

Unknown

If there is litigation filed or pending, include the relevant litigation documentation to the completed PDF of supporting documents and submit with this *Notice*.

Actions to Date

Prior to submitting this *Notice* to the BACB, we strongly encourage you to attempt to resolve the matter directly with the Subject of this Notice and/or their supervisor (if the Subject of the Notice is a BCaBA or RBT). If you ("Notifier") are a behavior analyst, see "7.02 Ethical Violations by Others and Risk of Harm" in the *Code* for guidance and ethical requirements.

Have you attempted to resolve the matter directly with the certificant, registrant, or candidate?*

Yes (answer "a" questions under "Attempted Resolution Sub-Questions")

No (answer "b" questions under "Attempted Resolution Sub-Questions")

Attempted Resolution Sub-Questions

(a) List all of the people with whom you attempted to resolve the issue.

Subject of Notice

Subject's supervisor

Subject's employer

Other

(a) Date(s) of the attempted resolution(s)

(a) Describe the effort and outcome of the attempted resolution for each person approached.

(b) Why has the issue **not** been addressed directly with the Subject/supervisor/employer?

* If you are a behavior analyst reporting the violation, carefully review "7.02 Ethical Violations by Others and Risk of Harm" in the *Code* to ensure you are in compliance.

Actions with Other Organizations

Has a complaint been filed with another agency (e.g., Child Protective Services, licensing board, third-party payor)?

Yes

No (skip the remaining questions in this section)

Indicate the agencies where a complaint has been filed.

Licensing Authority

Payor

Governmental or Healthcare Agency

Employer or Supervisor

Other

Provide the name and contact information for each agency that received a complaint.

Who filed the complaint?

What is the status of each complaint (e.g., submitted and pending, received final determination)*

**The BACB may postpone processing of the Notice until the final determination(s) have been made by relevant agencies.*

Briefly describe the outcome of the complaint and any additional information.

Attach official documentation such as a copy of the complaint, findings of fact, final determination to the single PDF of supporting documents and submit with this *Notice*.

Notifier Information and Declaration

Your ("Notifier") name

Notifier email address

Notifier phone number

Notifier's relation to the Subject of this Notice

Client, client's representative, parent/guardian

Colleague

Supervisor

Supervisee

Student

Direct witness

Other

I hereby declare that :

1. I am of legal age to sign this *Notice*.
2. I have direct knowledge of the alleged violation(s).
3. I agree to the terms and conditions stipulated in this *Notice* and the terms of use at bacb.com/terms-of-use/. I agree to indemnify the BACB from and against any liability or damages arising out of this *Notice* and/or of the BACB's investigation related to this *Notice*.
4. I waive any right or claim I may have against the BACB for the processing of this *Notice* and/or the release of information relating to this *Notice*, response to the subject, or determination of the BACB.
5. The information provided in this *Notice* is true and accurate to the best of my knowledge.
6. If applicable, I consent to and agree to assist with the investigation including, but not limited to, the submission of any and all information required by the BACB.
7. If I am not the recipient of services or a parent or legal guardian of the recipient of services, I have obtained permission to file this *Notice* from the recipient of services or parent or legal guardian of the recipient of services.
8. I understand that I may not appeal BACB determinations regarding this *Notice*.
9. I understand that the BACB may release this *Notice* and related documentation, including, but not limited to, my information as the Notifier, to the Subject of the Notice.
10. I understand that the BACB may release this matter, including, but not limited to, my identity, the identity of the Client and Certificant, response of the Subject, and the outcome of the matter, if such information is required or requested by any state or government official or agency. The BACB may, in its sole discretion, comply with any governmental agency request for release of this *Notice*, the Subject's response, and determinations, if any, by the BACB at any time during or following the BACB's processing of this Notice.

Select "Yes" to agree to the above conditions or "No" to refuse.

Yes: I agree to the above conditions

No: I do not agree to the above conditions

Notifier (your) signature

Date

(See instructions on the first page of this form for submission information)