

Administrative Rules
for the
Certification Review Board
of the
Certified Forester® Program
Society of American Foresters

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Section A: Certification Review Board Procedures

I. Duties and Function of the Certification Review Board (hereinafter referred to as the CRB)

The duties of the CRB shall be as set forth in its charter adopted by the SAF Council in February 1994 or as subsequently amended. The function of the CRB shall be to:

Adopt administrative rules governing the meetings and actions of the CRB;

Review questions of and provide recommendations to SAF Council and staff relative to the suitability of specific requirements for certification;

Act on appeals related to the application process from specific applicants in keeping with the charter of the CRB and the current edition of the *Certified Forester® Certification Handbook* (hereafter referred to as the *CF Certification Handbook*);

Act on complaints forwarded from the PRC related to specific complaints of noncompliance with regards to the rules of the CRB, the CF Standards of Professional Practice, or the current edition of the *CF Certification Handbook*;

Act on the merits of specific concerns, requests, or appeals forwarded to the CRB regarding the application of continuing education credit;

Develop, maintain, and administer a program for applying disciplinary action regarding the activities of Certified Foresters (CFs); and

Take action as may be necessary to improve the administration of the CRB and recommend any change that would enhance the administration of the CF program.

II. Procedural Rules Governing the Administration of the CRB

A. Meetings

The CRB shall meet at least annually, or at such additional times as deemed necessary, to consider all business. The CRB members shall mutually agree upon the time and place of all CRB meetings in advance. Travel expenses will be in accordance with SAF travel reimbursement procedures. SAF staff shall act as secretary for the CRB and shall maintain minutes for CRB meetings. The CRB may conduct meetings through conference calling, electronic facsimile transmissions, or other media as mutually agreed upon. A quorum of at least six of the appointed members of the CRB must be present, or in conference, for any business before the CRB to be duly acted upon; provided however, that a quorum of at least four shall be necessary for oral hearings under Section E. All actions adopted by the CRB shall require a simple majority vote. The CRB reserves the right to call executive sessions on confidential matters.

B. Committees

To facilitate and expedite the duties of the CRB, committees shall be appointed to review and recommend action on matters assigned to each committee. Committees shall be established by majority vote of the CRB. The chair of the CRB shall appoint members to committees who shall serve at the pleasure of the CRB chair. All non-CRB committee members shall be CFs. Each committee must consist of at least two CRB members. Recommendations on matters assigned to a committee shall be brought forward to the next meeting of the CRB for action. Each committee shall have a chair who shall be responsible for maintaining records and facilitating the business of that committee. All meetings of each committee shall be conducted in keeping with the administrative rules governing meetings and record-keeping of the CRB. There shall be three standing committees of the CRB:

- i. The Qualifications and Admissions Committee (QAC) shall provide oversight of the application process and consider any appeals, questions, or concerns raised by any party to this process. As directed by the CRB, the QAC shall initiate audits of the CF application files;
- ii. The Professional Review Committee (PRC) shall investigate and review complaints involving professional conduct of CFs. The CRB chair shall endeavor to appoint CF members to serve on the PRC based upon regional representation;
- iii. The Continuing Education Committee (CEC) shall provide feedback and recommendations to the CRB on the continuing education requirements for recertification and shall serve as the initial review body for compliance with continuing education requirements for recertification. The CEC, as directed by the CRB, shall audit CF records from time to time.

III. Maintenance of CRB Records

All records of the CRB shall be subject at all times to review by the SAF Council upon receipt of written request for such review addressed to the CRB chair.

IV. Appeals

Appealing the denial of eligibility, denial of recertification, or the revocation, suspension or other limitation of certification shall be accomplished as provided in Section F, herein.

V. Timeframes/Confidentiality

The SAF staff, the CRB, and all committees of the CRB, as well as all other representatives of SAF, shall endeavor to meet the time frames suggested in these guidelines whenever possible. Furthermore, except as otherwise provided herein, SAF, SAF staff, the CRB, and all committees of the CRB shall endeavor to maintain the confidentiality of all matters herein. However, failure to meet these aspirations shall not create any liability on the part of or potential claim against the SAF staff, the CRB, or SAF.

VI. Conflicts of Interest

At all times the CRB and its committees shall act impartially. In order to avoid actual or perceived conflicts of interest, no member shall be permitted to serve the CRB or any committee whenever:

- a. A member has formed an opinion on the matter; or
- b. A member is employed by, has been employed by, or is related to either the complainant or the accused, or the member has special knowledge that could bias his/her decision relative to either party.

If at any time during the review of a matter a CRB member or a committee member identifies a situation where his or her judgment may be biased, prejudiced, or partial:

- a. The member shall make full disclosure of such matter by reporting the possible conflict or bias immediately to the committee chair; and
- b. The member shall recuse him/herself and shall not be permitted to vote or participate in any action taken upon any aspect of such matter.

In such event, the CRB chair may appoint another individual, *pro tem*, to a committee for such matter.

Section B: Qualifications and Admissions Committee (QAC) Procedures

I. Processing of Initial Applications

SAF staff receives applications for all certifications offered under the CF program. Within 14 days of receipt, the SAF staff shall verify the application as either complete or incomplete. When applications are verified, as complete and approved, staff shall notify candidates that they are eligible to sit for the examination sought. If the application does not meet the applicable criteria, staff shall deny the application. If the application is incomplete or unclear, SAF staff shall request further information from the applicant. Within 30 days of receipt of requested information from the applicant, SAF staff shall approve or deny the application unless referred to QAC as provided herein.

A. Applications Referred to QAC

SAF staff may request advice from the QAC chair about how to proceed on any particular matter. After first corresponding with an applicant and requesting further relevant information, if SAF staff is uncertain as to how to proceed, SAF staff shall refer questionable initial applications to the QAC. Whenever an application is referred to the QAC, the applicant shall be notified and shall be provided with a copy of the QAC procedures. Within 60 days of receipt, QAC reviews the application and supporting material and either notifies the SAF staff that additional information is needed or directs the SAF staff to approve or deny the application. Within 7 days of the QAC decision SAF staff notifies the applicant of the QAC decision.

B. More Information Requested by QAC

If more information is requested by QAC, within 60 days of the notice requesting additional information, the applicant shall provide the requested information in order to maintain an active application. Within 60 days of receipt of supporting information, the QAC directs staff to either approve or deny the application. All denials of eligibility shall be accompanied by a letter outlining the process for appeal of such a decision detailed in Section B II.

II. Appeals of Denied Applications

An applicant may appeal a denial of an application by SAF staff to the CRB by submitting a written appeals statement to SAF staff. Documentation not previously submitted to SAF staff or the QAC shall not be considered by the CRB on appeal. Within seven (7) days the SAF staff shall forward such appeal to the CRB. The QAC may, following denial of an application by SAF staff and subsequent appeal by an applicant, be requested to review and provide information to the full CRB with regards to an applicant's appeal. The CRB shall make a final decision on the application based on the record. At the next regularly scheduled meeting, the CRB shall either approve or deny the appeal and request SAF staff to issue an appropriate letter accordingly.

III. Audits

As directed by the CRB, the QAC shall initiate audits of the application files from time to time to ensure that applications are properly reviewed for educational and employment requirements. If, during the course of such audit, the QAC determines that applicants were erroneously denied eligibility, SAF staff shall notify the applicants by letter encouraging the applicants to reapply. If, during the course of such audit, the QAC determines that applicants were erroneously granted eligibility and have been granted certification, the QAC shall then determine whether or not to submit a complaint to the SAF staff under the Guidelines for the Complaint Process (Section C).

IV. SAF staff shall also verify successful completion of the applicable examination.

Section C: Professional Review Committee (PRC) Guidelines for the Complaint Process

I. Composition of PRC

The PRC comprises at least three CRB members including a committee chair as appointed by the CRB chair and may include additional members who are CFs but not members of the CRB.

II. Submission of Complaints

Complaints of a violation of the *CF Standards of Professional Practice* or any other CF standard, policy, or procedure, or of wrongful determination of eligibility, are to be referred to the SAF staff for forwarding to the CRB chair for disposition. Persons concerned with possible violation of CF rules should identify the persons alleged to be involved and the facts concerning the alleged conduct in as much detail and specificity as possible with available documentation in a written statement addressed to the CRB chair. The statement should identify by name, address, and telephone number the person making the information known to SAF and others who may have knowledge of the facts and circumstances concerning the alleged conduct.

Supplementation relating to the content or form of the information may be requested by either the CRB chair or SAF staff, including, but not limited to, a written testimonial from the individual who is the subject of the complaint.

III. Initial Determination by CRB Chair

The CRB chair shall make a determination of the complaints after consultation with legal counsel. If the CRB chair determines that the complaints are frivolous or fail to state a violation of CF's rules, the chair shall take no further action and so apprise the CRB and the complainant (if any). If the CRB chair determines that good cause may exist to deny eligibility or question compliance with CF rules, the chair shall direct staff to transmit the complaints to the PRC.

IV. Investigation of Complaints

The PRC shall investigate the complaints after receipt from the CRB chair and shall request a response from the CF against whom the complaints have been made.

A. If the PRC determines after such investigation that the complaints and facts are inadequate to sustain a finding of a violation of any of the *CF Professional Standards of Practice* or any CF rule, no further action shall be taken. The CRB, the CF, and complainant (if any) shall be so apprised.

B. If the PRC finds by majority vote that good cause exists to question whether a violation of a CF disciplinary rule has occurred, or if eligibility was improperly granted, the PRC chair shall transmit a statement of complaints to the CF by certified mail, return receipt requested, setting forth the applicable standard and a statement:

- i. of facts constituting the alleged violation of a CF disciplinary rule or wrongful determination of eligibility;
- ii. that the CF shall have thirty (30) days after receipt of the statement to notify the CRB chair and the PRC if he or she requests review of the written record, and/or requests an oral CRB hearing on the record (available only for complaints not related to wrongful denial of eligibility);
- iii. that, in the event of an oral CRB hearing, at his or her own expense the CF may appear in person with or without the assistance of counsel, may examine and cross-examine any witness under oath, and produce evidence on his or her behalf;
- iv. that the truth of complaints or failure to respond may result in sanctions including revocation; and
- v. that if the CF does not request a review or hearing, the CF consents that the PRC may render a decision on the evidence before it and apply available sanctions.

The PRC may offer the CF the opportunity to accept an identified sanction in lieu of proceeding with the hearing as requested. Such an offer shall be provided in writing. The CF may ask the PRC to modify its offer, and the PRC may do so in its sole discretion. If the CF is unwilling to accept the PRC's offer, the requested hearing or written review of the record shall proceed as provided below.

C. CRB Hearing or Written Review of Record

If the CF requests a CRB hearing or a written review of the record, the PRC shall forward the complaints and response of the CF to the CRB and designate one of its members to present the complaints and any substantiating evidence, examine and cross-examine witnesses, and otherwise present the matter during any written review of the record or hearing of the CRB.

D. Legal Proceeding Instituted During Investigation

If at any time during the investigation, the CRB discovers that legal proceedings are being initiated against the accused CF regarding practices similar in nature to the complaint, the CRB will:

- i immediately suspend further investigation until such time as legal proceedings are resolved;
- ii immediately notify the PRC chair of such pending litigation; and
- iii the PRC chair shall notify the CF and complainant, by letter, of suspension of investigation.

Upon notification that legal proceedings have terminated, PRC will again take up investigation at the point where suspended.

V. Hearing/Review of the Record

A CRB hearing is conducted following procedures established in the Guidelines for the Hearing Process, Section E, herein. A review of the record shall be undertaken as provided in Section E.

VI. Publication of Disciplinary Action

If the complaint against a CF leads to disciplinary action, the action will be publicized through the CF website and a periodic newsletter or other correspondence distributed to state boards of licensure or registration and other certifying bodies.

VII. Additional Duties of PRC

At the discretion of the CRB chair, the PRC may assist the CRB to develop guidelines governing sanctions that may be imposed for breach of standards, and assist with any other requests for guidance in matters affecting the standards of professional practice.

Section D: Guidelines for Meeting the Continuing Education Requirements

I. Submission and approval of continuing forestry education (CFE) activities

CFs submit evidence of CFE activities via whatever authorized vehicle(s) is offered by the SAF (*e.g.*, Personal Continuing Education Form or online submission). Within fourteen (14) days of receipt of evidence of CFE activities, SAF staff reviews CFE activities for compliance with CFE Category 1, 2, 3, 4, or 6 standards. If a CFE activity meets Category 1, 2, 3, 4, or 6, then the CF's record is updated accordingly. The SAF staff may return the evidence of CFE activity to the CF for more information. If a CFE activity does not meet Category 1, 2, 3, 4, or 6, SAF staff will reject the activity and inform the CF of its rejection. If an activity is rejected or returned for more information, the CF may either resubmit the CFE activity or appeal the SAF staff's ruling to the Continuing Education Committee (CEC) as provided herein.

II. Appeals of CFE Activity Rejection

Within fourteen (14) days of receipt of an appeal made after SAF staff rejection, SAF staff will forward the appeal and supporting information to the CEC. Within thirty (30) days of the SAF staff forwarding the appeal to the CEC, the CEC members convene.

The CEC may request additional information from the CF; if so, within seven (7) days of the CEC convening, the SAF staff will notify the CF in writing of the CEC's request. Within fourteen (14) days of receipt of the request, the CF must submit the additional information to the SAF staff.

Within seven (7) days of receipt of the CEC's requested additional information, the SAF staff will forward the additional information to the CEC. Within fourteen (14) days of the SAF staff forwarding the additional information to the CEC, the CEC members reconvene.

If the CEC accepts the CF's CFE activity, the CEC chair shall notify the SAF staff in writing. The SAF staff then records the CFE activity in the CF's record and informs the CF within seven (7) days of receipt of the CEC chair's notice. If the appeal is rejected, the CF is notified by letter from the CEC chair. If the rejection of the appeal results in a CF's failure to accumulate the necessary CFE credits, the letter shall also inform the CF that his recertification is denied.

III. Appealing a Denial of Recertification for Failure to Meet Continuing Education Requirements

A CF whose recertification has been denied for failing to meet the continuing education requirement may appeal the decision to the CRB. The appeal must be submitted to the SAF staff within forty-five (45) days of the notice of revocation. Only information previously submitted to staff and the CEC may be submitted to the CRB. SAF staff shall forward the CEC's prior recommendation to the full CRB through the CRB chair.

Within thirty (30) days of the SAF staff forwarding the appeal to the CRB chair, the CRB chair shall distribute the appeal to the full CRB and convene a CRB meeting on the record below; provided, however, that there shall be no participation in CRB deliberations or votes on such matter by any CEC member who reviewed the matter previously. The CRB shall call a vote to either affirm or overturn the denial. The vote will be recorded by the CRB chair and reported to the SAF staff.

IV. Final Action on the Appeal

If the appeal results in overturning the denial of recertification, the CF will be notified by the SAF staff in writing with seven (7) days of the CRB's vote. The SAF staff shall reinstate the CF's certification. The CF's next continuing education period will begin on the original recertification date.

If the appeal results in affirming the denial of recertification, the CRB chair notifies the CF in writing within seven (7) days of the CRB vote.

V. Audit of CFE Records by CEC

The CEC, as directed by the CRB, shall audit CF records from time to time to determine whether recertification continuing education requirements are being applied consistently and documentation is adequate. If, during the course of such audit, the CEC determines that credit was erroneously granted, the CEC shall determine whether or not to initiate revocation of certification by referring such matter to the PRC for disposition.

VI. Additional Responsibility of CEC

The CEC shall provide feedback to the CRB on the continuing education requirements for recertification.

Section E: Guidelines for the Hearing Process and Written Review

The following procedures are based on those set forth in SAF's *CF Certification Handbook*. Any modifications to these procedures that the CRB wishes to adopt, which are not already required by the *CF Certification Handbook*, should be approved by majority vote, on the record, at the beginning of the CRB hearing. The CRB, in consultation with and approval by the CF, may adopt additional procedures or revise previously approved procedures during the hearing, by majority vote of the CRB, on the record.

I. Hearing Shall Be Scheduled

The CRB shall schedule a hearing on all matters referred by the PRC for a hearing; provided, however, that matters appealed to the CRB from the QAC or the CEC will be reviewed on the written record only, as provided in Section E V herein, and shall not be heard by the CRB in a hearing. Upon receipt of a request for a hearing, the CRB must schedule the hearing and notify the CF of the date of the hearing, by certified mail, return receipt requested. The hearing notice must include a copy of the hearing procedures and a statement to the CF that he/she may appear at the hearing or, in his/her individual discretion, respond through written documentation, without personally attending a CRB meeting.

Should a CF request to respond via written documentation, rather than by an in-person hearing, the CRB may develop specific questions for response and include a reasonable deadline for these written responses to be submitted.

The CF may request modification of the date of the hearing for good cause. Good cause is an intentionally broad standard to allow almost any reason for rescheduling, in the sole discretion of the CRB, so long as the reason given is not frivolous.

II. Conduct of the Hearing

A verbatim transcript (either in writing or by audio or video tape) of the hearing is required. If an issue is raised as to the procedures followed, or if an appeal is made to the SAF Council, the transcript may be referenced.

Generally, the CRB chair will be responsible for identifying the parties for the record, calling the meeting to order, assisting all involved in taking oaths of truthfulness, and maintaining order throughout the meeting. The CRB chair shall not vote except to break a tie.

Should the CF fail to appear at the hearing or submit written information for this purpose, then the CRB chair should state this for the record, and the hearing should be adjourned and decided on the merits of the underlying written record.

No person who has participated in the PRC review of the matter may participate as a member of the CRB in the hearing except that one member of the PRC (the "PRC representative") shall present the evidence the PRC has examined to date. The PRC representative and the CF shall each be permitted to make opening statements, present documents and testimony, examine and cross-examine witnesses under oath, and make closing statements. Representation by counsel (for both the PRC and the CF) is permitted. The CF shall bear his/her own expenses.

A. Format of the Hearing

The CRB may wish to ask the PRC representative and the CF at the beginning of the meeting whether they wish to make an opening statement, present documents, and/or provide witnesses to testify under oath.¹ The CRB will then need to establish by majority vote the format for the hearing, based on the PRC

¹ Regardless of the CF's preferences for evidence submission and testimony, it is recommended that the PRC present a strong case up-front with opening and closing statement, written evidence, and available testimony. This will be on the record, and will support any CRB decision.

representative's and the CF's response to CRB's opening inquiries. The CRB chair presents introductory remarks and the format continues as follows:

PRC Opening Statement and Presentation of Documents;
CF Opening Statement and Presentation of Documents;
PRC Presentation of Witnesses (if any);
Cross Examination by CF, if requested, and
Questions from CRB, if any;
CF Presentation of Witnesses (if any);
Cross Examination by the PRC, if requested, and
Questions from CRB, if any;
PRC Closing Statement; and
CF Closing Statement.

The CRB chair concludes the hearing. The CRB should inform the parties at the hearing that it will render a written decision when one becomes available, and that the CRB refuses to respond to any questions from any party that are intended to elicit support from the CRB or confirm a party's understanding of the issues underlying the complaints. No determinations of fact, affirmations, or acceptances shall be made by the CRB during the hearing. To do so would imply that a decision on the facts, standards, or sanctions had already been made; this would be grounds for an appeal, since it is strictly prohibited by these Guidelines.

B. Evidence Shall Be Relevant/Proof by Preponderance of Evidence

The CRB is required to limit its review of the case to relevant matters. Evidence permitted should be broad enough to allow any evidence relating to the alleged violation, while at the same time disallowing irrelevant and unrelated matters. This is a flexible standard. Proof shall be by preponderance of the evidence. It is in the CF program's best interests if the CRB requires the parties to explain the relevance of evidence. For example, should the PRC representative begin to discuss the certification status of a third-party, the CRB should stop and ask why this information is being submitted.

C. Written Briefing

If the PRC representative or the CF requests to be allowed to present written briefs, then the CRB must by majority vote establish the date for the requesting party to submit a brief, and at that time outline the scope of the briefing. It is recommended that at the same time (and by the same vote) the CRB establish a minimum fifteen (15)-day period from the requesting party's submission deadline for the other party to respond by written brief also. The requesting party should be informed that he/she will not be permitted to respond after the deadline for submitting the brief.²

D. Impartiality of CRB

The CRB must remain impartial. This means the CRB shall not decide on findings of fact, standards, or sanctions until both parties have completed their participation in the hearing, including submitting written briefing, if needed, and the CRB has had an opportunity to review and reflect on the issues before it.

E. Due Process

Due process requires that the CRB's decision be based on the record. The findings of fact and conclusions of law must be the foundation for the CRB's decision. Principles of rudimentary due process do not allow the CRB to include findings of fact that a CF standard was not violated, but then state that because of "other facts" certain sanctions would be imposed.

² In other words, one party requests to submit a brief. The CRB establishes a deadline for the brief to be submitted. The CRB also establishes a deadline for the other party to respond to the brief. The brief ends here.

III. Deliberation and Decision of CRB

Following the hearing and any written briefing, the CRB must decide the matter by majority vote and issue a written decision. Initially the CRB will need to determine any disputed facts by majority vote. The written decision should include:

- the findings of facts not disputed by the parties;
- the findings of facts determined by vote of the CRB;
- statement of the applicable CF rule;
- any conclusions of law (if appropriate); and
- any sanction applied.

The written decision should be sent to the parties (via certified mail, return receipt requested) as soon as possible after the decision is rendered

IV. Appeals

Appeals of the CRB's decisions shall only be permitted to a CF whose certification is revoked, suspended, or otherwise limited by the CRB. No other party has the right to appeal the decision of the CRB. The SAF Council, or a committee designated by the Council, shall hear appeals of the CRB, as provided in Section F. Decisions of the CRB relating to eligibility for certification or continuing education requirements shall be final.

V. Written Review of the Record by CRB

As provided in these rules, the CRB (except that no person who has participated in the PRC review of the matter may participate as a member of the CRB in the written review) may sit and review the written record in lieu of a hearing and make a final determination concerning eligibility for or revocation of certification. Such written review may be made through written communication of CRB members or by conference call or meeting. The CRB shall issue a written decision based on its review as set out in Section E III, above. Decisions based on written review of the record may not be appealed.

Section F: Appeals

I. Appeals of Denial of Eligibility and Appeal of Denial of Recertification

The CRB shall serve as the appeals body for appeals of denials of eligibility from decisions of the QAC and for appeals of denials of recertification from decisions of the CEC based on failures to meet continuing education requirements. Only the candidate or CF whose eligibility or recertification was denied may appeal the decision. The CF must appeal the decision to the CRB, c/o the SAF national office, within forty-five (45) calendar days of receipt of denial of eligibility or denial of recertification. CRB shall consider such appeals at its next regularly scheduled meeting, and shall not be required to convene a special meeting for any appeal. Appeals of denials of eligibility and of denials of recertification shall be limited to the prior written record. CRB shall only overturn prior decisions if the decision was made in bad faith or was arbitrary or capricious. CRB shall instruct SAF staff on how to proceed if the CRB overturns a prior decision. Decisions of the CRB concerning eligibility and recertification shall be final.

II. Appeals of Revocation, Suspension, or Other Limitation of Certification Imposed by the CRB

Only CFs whose certification has been revoked, suspended, or otherwise limited by the CRB may appeal decisions of the CRB. No other party has a right of appeal. The SAF Council, or a committee designated by Council (made up exclusively of council members), shall be the sole appeals body of decisions made by the CRB concerning the revocation, suspension, or other limitation of certification imposed by the CRB. The SAF Council shall consider such appeals only based on the written record and shall only overturn a decision of the CRB if the SAF Council determines the CRB acted in bad faith, arbitrarily, or capriciously. The SAF Council may only consider evidence presented to the CRB. If the SAF Council or the committee designated by the Council overturns the decision of the CRB, it shall instruct the CRB on how to proceed. Appeals must be made in writing to the SAF Council, c/o the SAF national office; no later than thirty (30) days from receipt of the CRB's decision. Decisions of the SAF Council shall be final.