

## **Soil Science Society of America's (SSSA)**

### **Certified Professional Soil Scientist (CPSS) • Certified Professional Soil Classifier (CPSC)**

#### *Complaint Investigation Procedures*

*Updated 2025*

The Soil Science Society of America's Certified Professional Soil Scientist (CPSS) and Certified Professional Soil Classifier (CPSC) Program has established these Complaint Investigation Procedures ("CIPs") to be used by the National and State Certifying Boards in conducting reviews and investigations of Complaints setting forth alleged violations of the SSSA CPSS/CPSC Code of Ethics. The Complaint investigation under these CIPs will be conducted by at least three CPSS/CPSCs who are appointed to a Standards and Ethics Committee ("SEC") of the National or State Certifying Board, plus the Board Chair as ex-officio. Any member of that Certifying Board's SEC or Board Chair who has a personal or business relationship with either the Complainant (the person who filed the Complaint) or the accused CPSS/CPSC named in a filed Complaint will recuse himself/herself from that particular investigation, and a replacement SEC member will be selected from the Board to serve only for purposes of the particular investigation.

The CIPs will conclude with a determination of whether the accused CPSS/CPSC violated any of the SSSA CPSS/CPSC's Code of Ethics, as well as a conclusion as to whether the accused CPSS/CPSC was qualified to be involved with the soils work described in the Complaint based on but not limited to the accused CPSS/CPSC's certification records, training, continuing education, and work experiences.

The CIPs will not investigate or reach any conclusions regarding the accused CPSS/CPSC's recommendation on a specific job or project; or determine fair pricing issues regarding the work performed by the accused CPSS/CPSC or the amount charged by the accused CPSS/CPSC for such work.

The specific CIPs that will be followed by each Certifying Board's SEC are:

1. Any individual or organization may file a Complaint against a CPSS/CPSC for an alleged violation of the SSSA CPSS/CPSC Code of Ethics. A Complaint must be both written and signed with the name of the signatory to be clearly set forth in the Complaint. Complaints that are not written and signed with a clear name of the signatory included will not be reviewed by the SEC, and will result in the Complaint being summarily dismissed by the SEC. Any SSSA adopted whistleblower policy will be followed throughout this process to the degree it is applicable.
2. Filing may be accomplished by the Complainant by regular mail, overnight mail, email, or hand delivery. All such methods of transmission will be considered valid for purposes of beginning this process.
3. Complaints must be filed with either the CPSS/CPSC's State Certifying Board's office or the National Board's office. The office receiving the Complaint will notify the other office that a Complaint has been received.
4. The SEC will conduct the initial review of the Complaint. However, an SEC member will recuse himself/herself and not participate in this initial review or discussions about the Complaint if the SEC member is the Complainant, Respondent, or a witness in the matter.
5. The SSSA will confirm the State or National Board Chair is aware of the Complaint. The State or National Board Chair will be an ex-officio member of the SEC and will participate in issues related to the Complaint, unless he/she is the Complainant, Respondent, or a witness in the matter. In such circumstances, the SEC will select an Interim Investigation SEC Chair solely for purposes of the particular

investigation, and the State or National Board Chair will recuse himself/herself from the matter. The full State or National Certifying Board will not be involved in the initial review by the SEC because it will serve as the appeal hearing body, if necessary, as set forth below.

6. If the majority or all of the SEC members need to recuse themselves from the investigation, and/or in circumstances where an objective and fair investigation may be restricted for all SEC members, the SSSA may ask for participation in the investigation by CPSS/CPSCs from neighboring States. The determination on whether such a step is necessary will be entirely within the unilateral discretion of the SEC members or the SSSA.
7. The SSSA Chief Administrative Officer and/or the Director of Certifications will confirm with the Complainant that the Complaint has been received and will be reviewed by the SEC. A copy of the CIPs and Code of Ethics will be provided to the Complainant, if requested.
8. As part of its initial review of the Complaint, the SEC will decide within 90 days of receipt of the Complaint whether the Complaint has alleged sufficient information supported by attached evidence of the type described in Section 9 below, if any, to warrant an investigation by the SEC. The 90-day period may be extended in circumstances that the SEC determines is necessary in its unilateral discretion. The purpose of the SEC's initial review is NOT to make any assessment or finding regarding the merits of the Complaint. **A decision to move forward with an investigation is not a decision on the merits** but rather is a finding that a minimal evidentiary threshold has been met to advance a Complaint to the investigation stage of these CIPs. The decision to move forward with an investigation requires a simple majority vote by the SEC.
9. As noted in Section 8, the SEC will base its decision on whether to investigate the contents of the Complaint and any evidence attached to the Complaint. The Complainant must provide as much detail about the potential violation as possible including, but not limited to, attached evidence in the form of witness' written statements or affidavits, lab/field results, other written documents including, but not limited to, communications (such as emails or texts), photographs and/or video. The SEC may also review other relevant information or evidence, including, but not limited to, public records, as part of its initial review as to whether to move forward with an investigation.
10. The accused CPSS/CPSC will not be involved in the initial review of the Complaint as again the purpose is not for the SEC to make any determination as to the substantive issues raised in the Complaint, but rather solely to determine whether there is sufficient information and evidence presented by the Complainant to proceed to an investigation.
11. The SEC will make one of the following initial review decisions:
  - a. If the SEC decides that there are established evidentiary grounds for an investigation, it will determine which section(s) of the Code of Ethics was or were potentially violated by the accused CPSS/CPSC and these will be investigated further by the SEC. If this finding occurs, then Section 12 below will be used to continue the CIPs.

b. If the SEC decides that there are not established grounds for an investigation, it will notify Complainant in writing that the SEC found insufficient grounds to move forward with an investigation. If this finding occurs, Complainant will be given the opportunity to either supplement the record within 15 days for the SEC's reconsideration or if no supplemental information is provided, then Complainant may appeal the SEC's finding to the 3-person Executive Committee of the National Board ("Executive Committee"). If the Executive Committee affirms the SEC's finding, this process will end and no further action will be taken regarding the complaint, and the Complainant will be so informed. If the Executive Committee overturns the SEC's finding, this process will continue as set forth in Section 12 and thereafter.

12. If the grounds are established by the SEC for an investigation to proceed, the accused CPSS/CPSC and Complainant will be notified in writing of the decision to proceed to a full investigation by the SEC.

*Note: All correspondence to the accused CPSS/CPSC and Complainant will be handled through the Chief Administrative Officer and/or Director of Certifications.*

13. The accused CPSS/CPSC will be provided with a copy of the Complaint and given 45 days to respond to the Complaint and to provide rebuttal information and evidence in writing to the SEC. Such information and evidence may include, but is not limited to, witness' written statements or affidavits, lab results, other written documents including, but not limited to, communications (such as emails or texts), photographs and/or video. Failure by the accused CPSS/CPSC to respond within this 45-day period shall be considered a waiver by the accused CPSS/CPSC to provide rebuttal information. If requested by the accused CPSS/CPSC, the SEC may in its unilateral discretion provide an extension of up to 30 days to the accused to provide rebuttal information. During the 45-day rebuttal period, the SEC will also conduct an audit of the accused CPSS/CPSC's certification maintenance program.

14. During its investigation, the SEC in its unilateral discretion may request additional information to review from the Complainant, the accused CPSS/CPSC, a third-party, or any other source. The SEC may also review public documents related to the Complaint as part of its investigation. The SEC will meet during its investigation process for purposes of discussion and deliberations concerning the Complaint, and virtual participation will be allowed by SEC members at such meetings.

15. After receipt and review of the rebuttal information and evidence, the Complaint, any information or evidence submitted with the Complaint, and any other information or evidence gathered by the SEC, as well as the audit of the defendant's CEU maintenance program, the SEC will within 60 days of receiving the last of such information take one of the following actions:

- a. Make a finding of no violations of the Code of Ethics, and exonerate the accused CPSS/CPSC in writing;
- b. Make a finding of at least one violation of the Code of Ethics, and issue a letter of warning to the CPSS/CPSC based on all circumstances of the violation;
- c. Make a finding of at least one violation of the Code of Ethics, and suspend the CPSS/CPSC's certification for a designated period of time based on all circumstances of the violation;

- d. Make a finding of at least one violation of the Code of Ethics, and revoke the CPSS/CPSC's certification based on all circumstances of the violation; or
- e. Extend the investigation for a period to be determined by the SEC.

If Section 15.e. is selected, the SEC may involve approved third parties to be determined solely by the SEC to assist the investigation which may be extended thereafter in 30-day increments. Funds may be requested from SSSA to assist in the investigation. Upon the completion of the extended investigation, action must be taken by the SEC as set forth in Section 15. a-d above.

16. If the SEC makes a finding under Section 15. b., c., or d., the accused CPSS/CPSC may request a hearing to be conducted before the State or National Certifying Board (whichever is appropriate). The time and place will be set by SSSA. The hearing will be conducted based on the following rules:
- a. To overrule the SEC's action under Section 14, a two-thirds majority vote of the State or National Certifying Board is required.
  - b. A member of the State or National Certifying Board will not participate if he/she is the Complainant, Respondent, or a witness.
  - c. Documents must be provided by the Complainant or the accused to the State or National Certifying Board no later than one week in advance of the hearing date.
  - d. Written Official Minutes of the hearing will be taken and/or the hearing will be recorded by video and audio means.
  - e. Virtual participation will be allowed by members of the State or National Certifying Board.
  - f. Any notes taken by members of the State or National Certifying Board will be sent to the SSSA and maintained by the organization as an official record.
17. Upon completion of the investigation, all documents, electronic files, audiotapes and/or videotapes provided to SEC members or State or National Certifying Board members during this process will be returned to the SSSA.