



Before You File an Ethics Complaint: What You Need to Know

Tony Peregrin



THE ACADEMY OF NUTRITION and Dietetics (Academy)/Commission on Dietetic Registration (CDR) Code of Ethics for the Nutrition and Dietetics Profession (COE) reflects the core values and principles of the profession and is “vital to guiding the profession’s actions and to strengthen its credibility.”^{1,2} Although the COE applies to all CDR credentialed practitioners and all Academy members, credentialed or otherwise, the purpose of the COE is not to police practitioners but to provide “education, remediation, and self-regulation.”^{3,4} Personal grievances do not fit within the parameters of an ethics complaint; rather, ethics complaints are aimed at the practice of dietetics and protecting the welfare of patients, clients, and the public. In some instances, complaints that the Ethics Committee receives are actually legal, business, or employment issues that may not relate directly to the COE.

This article provides an overview of the role of the Ethics Committee, guidance for determining the nature of

a potential issue (eg, ethical, legal, business, or employment), and options for redressing concerns.

THE ROLE OF THE ETHICS COMMITTEE

Addressing ethics complaints and violations is a primary function of the Ethics Committee—a three-person body with representation from the Board of Directors, CDR, and the House of Delegates. The Academy/CDR defines the COE enforcement process as a “fair system to deal with complaints about members and credentialed practitioners from peers or the public.”¹ It is important to note that the Ethics Committee does not investigate complaints; the Committee is not granted any investigative power, so complainants (person making the complaint) must follow documentation protocols for the Ethics Committee to make an informed decision (see related section in this article for more details).

The role of the Ethics Committee extends beyond responding to complaints and determining appropriate action. “The purpose of the Ethics Committee is primarily educational and advisory in nature,” said Susan H. Laramee, MS, RDN, FADA, FAND, current chair of the Ethics Committee and past-president of the Academy. The primary functions of the Ethics Committee include the following:⁵

- Educating Academy members, CDR-credentialed practitioners, students, and the public about the ethical principles and standards contained in the Academy/CDR COE;
- Reviewing, promoting, and enforcing the Academy/CDR COE; and
- Supporting the Academy’s strategic plan.

FIRST STEP: DETERMINING WHETHER THE CONCERN QUALIFIES AS AN ETHICS ISSUE

“The COE is designed to guide practitioners to the desired standards for ethical practice in a variety of situations and in all aspects of professional performance and activities,” said Laramee. “A true complaint is a demonstrated unequivocal failure of a professional to adhere to a specific standard or principle in the COE and in a situation where the complaint is supported by objective documentation from an unbiased third-party source.”

More specifically, as far as the Academy/CDR COE is concerned, an ethical issue is one that is specific to one of the four principles and 32 standards of the COE; a personal grievance does not qualify as a potential violation.

“In many cases, if the complaint stems from a personal grievance, the person will check off multiple principles and standards on the complaint form—in other words, the complaint will have no focus,” explained Laramee. “In the complaint, the person will often focus on the individual being reported as being “unethical” in all areas of professional performance. A true ethics complaint is focused on a specific issue—not randomly making unsupported multiple accusations.”

In fact, many of the concerns submitted to the Ethics Committee do not qualify as ethics-related matters, but are instead legal issues, business disputes, or employer-related conflicts. The Ethics Committee offers the following guidance to determine the nature of a potential COE violation.^{4,6}

Is This a Legal Issue?

Many state and federal laws apply to the nutrition and dietetics profession. If a state or federal law has been violated, the issue could result in action by the Ethics

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Committee. However, not every violation of the law is a breach of the Academy/CDR COE.

“A legal issue might be something like a dispute with another nutrition and dietetics practitioner over a customer or client or a dispute with another practitioner over content of menus or some other type of dispute,” said Denise A. Lazar, legal counsel for the Ethics Committee, and partner, Barnes & Thornburg LLP, Chicago, IL. “This is not a forum for people to resolve their disputes with each other. What we’re concerned with is upholding the Code of Ethics so that the public trusts our practitioners.”

“If someone believes that they have a legal claim; for example, they think an individual has stated or published a false statement about someone else, they should consult an attorney to determine appropriate steps,” said Lazar, noting the legal matter should be resolved before it is considered by the Committee. “If proceedings are underway in a court of law, state licensure board, human resources proceedings, and so on, the Committee will generally not proceed with the case and ask, if desired by the complainant, that they resubmit after the proceedings have concluded, and to include the outcomes of those proceedings in the resubmitted complaint,” said Lazar.

“The Academy is an individual, professional membership organization, and thus cannot accept complaints that pertain to organizations,” she added.

If you have an organizational ethics issue, consider the following alternatives⁴:

- Reach out to the governing body or Board of Directors if your concern involves a for-profit or nonprofit organization;
- Consider contacting the American Hospital Association in the case that your concern relates to a hospital or health care system;
- The America’s Health Insurance Plans may be able to assist if your complaint involves a health insurer; or
- Consider contacting the professional organization that represents that profession or their state department of professional regulation in the case that your concern relates to a non-CDR credentialed nutrition and dietetics practitioner who is not an Academy member.

Is This a Business Issue?

An issue may be a business issue, but not an ethical issue, in the case that it arises from a business dispute or breach of a contractual obligation, or a failure to provide products or services of an expected quality. Examples include billing or contract disputes, scheduling problems, or other dissatisfaction with services provided. You should not attempt to use the COE to resolve business disputes between practitioners, other health care providers or consumers.

Is This an Employment Issue?

Employment issues can be addressed by an employer’s policy or policies or can be resolved in the workplace via the appropriate structure to provide oversight (ie, human resources) or through federal and state laws that protect employees. An employment issue may not be an ethical issue, such as a disagreement with a supervisor or other employee about how to conduct business. Additional examples of employment issues that do not qualify as COE violations include disagreement about time or hours worked; misleading statements to supervisors, coworkers, customers, or vendors; and misusing an employer’s assets.

“The only ethics matters that the Committee considers are possible violations of the Code of Ethics,” said Lazar. “It does not take up items that someone might think are immoral or unethical in a general sense; those would not be within the purview of the Ethics Committee. The Ethics Committee looks at the Code of Ethics and considers whether or not the actions that are being stated possibly rise to the level of a breach of the code.”

OPTIONS FOR REDRESSING CONCERNS

Although an action might seem “wrong” or disruptive to an individual and is an activity or behavior you would not personally engage in, these concerns may not qualify as a breach of the COE or grounds for filing an ethics complaint. Fortunately, there are options for resolving these types of issues, including lodging a consumer protection complaint, the Academy’s Incident Reporting Tool (IRT), mediation, human resources’ intervention, and legal counsel.

“If it’s something related to an interpersonal relationship with a colleague or a fellow professional, then I think they should consider whether there’s another forum for resolution, perhaps through an appropriate venue through their employer, or if they’re in an educational setting, through an ombudsman program or whatever programs there might be there to help people resolve disputes with each other,” said Lazar, noting that if the situation calls for a legal resolution, individuals may locate appropriate representation via their state’s bar association.

For disputes related to online or digital content as well as social media, Lazar suggests contacting the platform directly as a first step toward resolving the concern.

“If someone’s complaining about their material being used on someone else’s website, there may be options either through the legal process or through the website providers to address the matter,” explained Lazar. “For example, if it’s a Facebook post or Tweet that the person feels is untruthful there are procedures through the social media sites to request a review of the post that the practitioner thinks is untrue or somehow violates the terms of that social media site.”

NOTARIZED FORM AND DOCUMENTATION ARE KEY TO THE ETHICS COMPLAINT PROCESS

Once complainants determine that a concern qualifies as an ethics-related issue as outlined in the COE and is a situation that can appropriately be addressed by the Ethics Committee, they may decide to engage in the complaint process.

Academy members, including students and all CDR-credentialed practitioners (who may not be an Academy member), are permitted to file ethics complaints as are other health care providers and members of the public. “All individuals to whom the COE applies are held to the principle of ‘autonomy,’” added Laramee, “which means they should adhere to any and all ethics codes required by their employers [when considering filing a complaint to the Ethics Committee]. In some cases, the alleged ethical

violation is best handled at the institutional level.”

If a complainant decides to file an alleged COE violation to the Academy's Ethics Committee, he or she is required to first carefully review the COE, and when appropriate, submit the complaint form, which has recently been updated and may be accessed online.⁶ The fully completed form should be notarized and include as much supporting evidence and documentation as possible before it is mailed in an envelope marked “CONFIDENTIAL” to the Academy's Vice President, Member Services, and/or the Executive Director of the CDR.^{3,6}

“We do not accept anonymous complaints. The complainant's signature must be notarized so that there is some accountability on the part of the complainant,” said Lazar.

A Notary Public is a state-appointment official who has been authorized to verify the identity of the complainant and notarized documents, a process that helps prevent fraudulent or frivolous ethics complaints. (During the coronavirus disease 2019 pandemic, some states have established an online notarizing process. Check your commissioning agency's website for more information or visit the National Notary Association website: www.nationalnotary.org). If the complaint is from a US citizen based outside the United States, complainants should make an appointment at the consulate or embassy for a US notarization.

“It's also very important that documentation is submitted with the complaint. If there are e-mails or other documents that relate to the matter be sure to include them,” said Lazar. “It is important to include this documentation because the Ethics Committee isn't an investigative body. The Committee can only review the material that's provided to it in order to determine next steps.”

A documentation tool provided by the Academy, the IRT, was designed to collect stories as they relate to consumer protection. It enables health care practitioners, patients, and members of the general public or both to document incidents that reflect the value of qualified practitioners providing nutrition care and to report incidents of harm or unethical practice.⁷ This tool also serves as a mechanism for the

reporting of practitioners for whom the COE would not apply (ie, non-CDR credentialed and non-Academy members). The IRT is not intended to be a substitute for submitting an ethics complaint, when warranted.

Once a report is submitted, it is assessed by a limited group of specifically designated staff from the Academy's policy, quality management, and web teams, with de-identified content shared as needed with CDR and the Academy's Ethics Committee.

PRELIMINARY REVIEW

The ethics complaint procedures are intended to permit a fair resolution of COE complaints in a manner that protects the rights of individuals while promoting understanding and ethical practice.⁶ The Committee has the authority and flexibility to determine the best way to address violations of the Code of Ethics, including educational means where appropriate.

Upon receipt of the complaint, a preliminary review is performed. The chair of the Ethics Committee, legal counsel for the Academy, and appropriate staff will review the complaint and all submitted materials to determine whether all the required information has been submitted by the Complainant, within the permitted time frame (ie, 1 calendar year), and whether an ethics issue is involved.

If the ethic's initial review determines that the process should proceed, the Academy staff or chair of the Ethics Committee shall notify the respondent (person against whom the complaint is made) that a complaint has been made and provide the respondent with a copy of the complaint and all submitted materials.

In the Ethics Committee's experience, many of the matters submitted as possible COE matters are not ethics matters. Instead, the matters presented are personal, business, or employment disputes or legal matters that are not within the scope of the COE.

The preliminary review may, or may not, result in a complaint proceeding under the COE. It is important to note that if the Ethics Committee does not move a complaint forward, or ultimately dismisses a complaint, these actions do not indicate that the behaviors noted are condoned by the Academy or CDR. The COE is specific to the practice of nutrition

and dietetics and the welfare of patients, clients, and the public.

The Academy/CDR does not comment on whether a complaint has been submitted regarding any nutrition and dietetics practitioner or member. Ethics complaints are confidential in accordance with the Academy/CDR ethics procedures.

EDUCATION IS THE ULTIMATE GOAL

The Academy and CDR have established a fair system to address COE violations. As noted in a previous *Journal of the Academy of Nutrition and Dietetics* article on the disciplinary and ethics complaints process, “If a practitioner to whom the Academy/CDR Code applies is unwilling or unable to adhere to the Code, a complaint should be submitted to the Ethics Committee. As outlined in the Disciplinary and Ethics Complaints Policy, the Ethics Committee, following enforcement procedures, may impose sanctions ranging from mandatory participation in continuing professional education units to expulsion or revocation of credential.”³

“Many individuals, including the public, file ethics complaints with the expectation that if the Ethics Committee agrees with the person making the complaint that the action most often taken is the loss of membership and/or credential—this is not the case,” said Laramee. “If an individual is found to have violated the COE the most common penalty is completion of an educational program regarding the COE.”

“If the Ethics Committee sees a pattern of things happening or a pattern of types of complaints, then the Ethics Committee can make recommendations for education to the Academy or to CDR,” said Lazar. “The Ethics Committee can also make a recommendation that someone has to be suspended, for instance, but that recommendation would be made to CDR, and then the Board of the CDR would make the determination.”

CONCLUSIONS

The main goal of the COE is to protect patients/clients and the public served by Academy/CDR members; the COE is not designed to address personal issues. Registered dietitian nutritionists and nutrition and dietetics technician, registered, have voluntarily adopted the Academy/CDR COE to reflect the values

and principles guiding the nutrition and dietetics profession.¹ The Ethics Committee—through the review of ethics cases and the development of educational resources—works to uphold and enhance this Code as a top-rated member benefit.⁵ Individuals seeking to submit an ethics complaint should first determine whether the concern qualifies as an ethics-related issue rather than a legal, business, or employer matter that is best resolved in another forum.

It is essential to determine whether or not your concern is truly Academy/CDR COE related or if it is a human resource, legal, customer protection, or business issue. It is essential to have your concern vetted, and ultimately resolved, in the most pertinent arena. Adhering to Academy/CDR ethics complaint protocols, including the submission of a notarized complaint form

and supporting documentation, assists the Committee in determining next steps, and supports the Academy's credibility and reputation as the world's largest organization of credentialed nutrition and dietetics practitioners.

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AUTHOR INFORMATION

T. Peregrin is an editor and writer for a Chicago-based medical association and a freelance writer in Chicago, IL.

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