

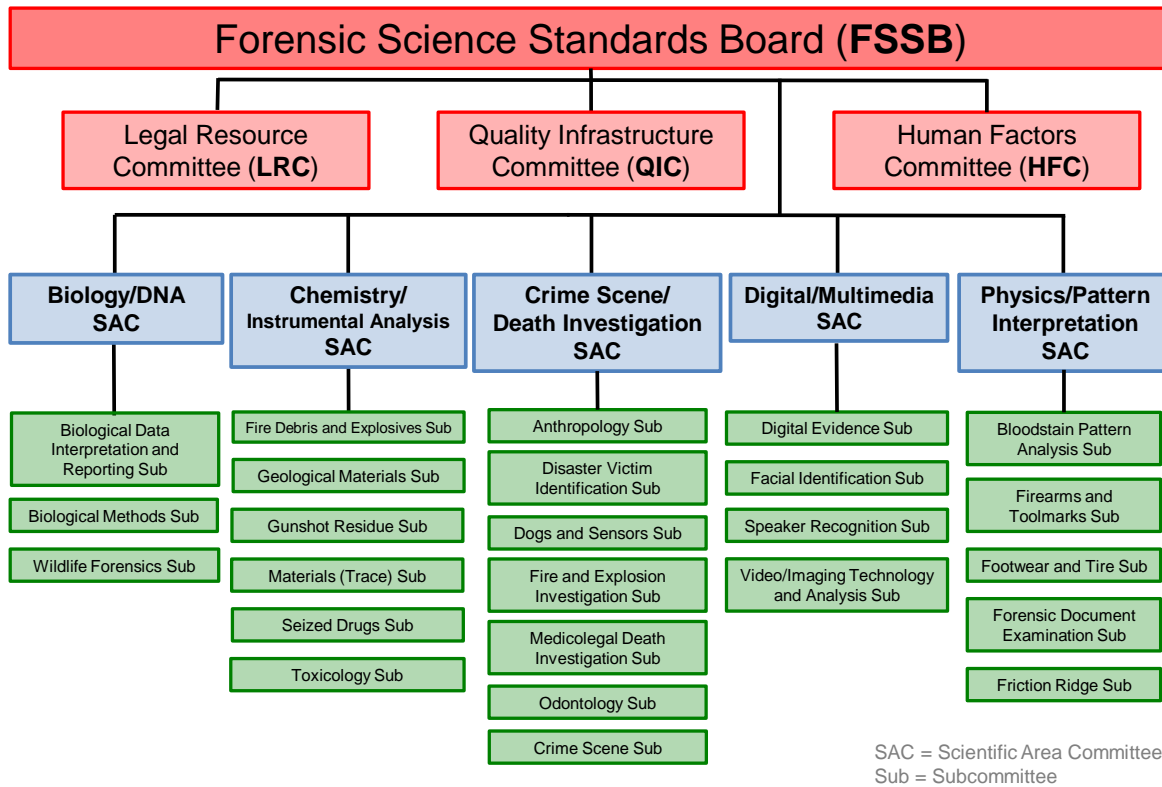


# Organization of Scientific Area Committees (OSAC) for Forensic Science

## CHARTER AND BYLAWS

### 1. Introduction

The National Institute of Standards and Technology (NIST) has primary responsibility to coordinate and facilitate the development of forensic science standards. To carry out its assigned responsibilities, NIST devised a multi-level organization, the Organization of Scientific Area Committees (OSAC) for Forensic Science, consisting of Scientific Area Committees (SACs) which report to a Forensic Science Standards Board (FSSB). Each of the SACs oversee discipline-specific subcommittees (SCs). Resource Committees provide input to the FSSB, SACs, and SAC Subcommittees. Although the target audience for consensus-based standards are forensic practitioners, the broader audience includes the justice system and its community of stakeholders.



#### 1.1 Mission

The mission of the Organization of Scientific Area Committees (OSAC) for Forensic Science is to strengthen the nation's use of forensic science by facilitating the development of scientifically sound forensic science standards, and by promoting the adoption of those standards by the forensic science community.

## 1.2 Aims

The aims of the OSAC are to:

- populate the *OSAC Registry of Standards*
- promote the use of OSAC-endorsed standards by the forensic community, accreditation and certification bodies, and by the legal system
- provide insight on each forensic science discipline's research and measurement standard needs
- enlist stakeholder involvement from a broad community; and to
- establish and maintain working relationships with other similar organizations.

## 2. **Administration**

The Forensic Science Standards Board (FSSB) shall provide overall direction to the OSAC. The FSSB shall determine OSAC policies and procedures and shall take such actions as it considers necessary to carry out the objectives of the OSAC.

NIST shall be responsible for OSAC Administration and shall manage the financial affairs of the OSAC in accordance with procedures prescribed by the federal government. Only NIST shall have the authority to enter into contracts for the OSAC.

NIST in its role as the OSAC Administrator is responsible for:

- managing all aspects of the internal OSAC operations, including providing the human, financial and technology resources in support of OSAC directed activities
- coordinating with the Forensic Science Standards Board regarding OSAC direction and deliverables
- ensuring appropriate OSAC documents are publicly available online.

## 3. **Core Principles**

All standards approved for inclusion on the OSAC Registry must be developed by a process that follows the core OSAC principles of openness, balance, consensus and harmonization:

### 3.1 Openness

The work of the OSAC shall be open for public review as follows:

- Prior to listing a document on the OSAC Registry, a public comment period regarding the posting will be provided
- Information about OSAC activities shall be publicly available via the OSAC website
- SACs shall hold a minimum of one (1) public meeting per year with opportunities for public comment. (For additional information on public meetings, refer to the Scientific Area Committee (SAC) Terms of Reference, section 4.3.7, Public Meetings).

### 3.2 Balance

The OSAC shall balance representation across stakeholders.

### 3.3 Consensus

Within the OSAC, consensus means the general agreement of members within each OSAC unit. The Registry approval process of the OSAC requires the respective Scientific Area Committee and the Forensic Science Standards Board to ensure consideration of all views, proposals and objections and to endeavor to reconcile them. Where unanimous support is not possible, the OSAC shall strive to make decisions that are supported by the available information and to document opposing views or abstentions. The achievement of consensus shall be based on thorough examination of issues, including the discussion of dissenting opinions and the resolution of disagreements.

### 3.4 Harmonization

The OSAC standards efforts shall encourage harmonization to minimize redundant, overlapping or conflicting standards.

## 4. Membership

### 4.1 Eligibility

The OSAC shall have Members and Affiliates. Members are those who have been selected to serve on a Board, Committee, or Subcommittee of the OSAC. Members shall have voting privileges on any action items before their assigned OSAC unit. Affiliates are those who have declared their interest in being a part of the OSAC community through submission of a completed OSAC Application, and have been chosen from the OSAC applicant database to serve on one or more Task Groups.

The OSAC shall select Members in accordance with the application and selection policies as defined by the FSSB.

- The FSSB shall be responsible for all associated policies and procedures regarding Membership, including, but not limited to, term limits, lifetime limits, vacancies and selection of professional forensic science organizations seated on the FSSB.
- Solicitations for Member applications shall be posted on the OSAC website and distributed to appropriate professional associations, scientific and legal organizations, as well as venues which reach other stakeholders likely to be directly impacted by the OSAC.

OSAC Members may include:

- federal, state, local and tribal forensic practitioners
- private forensic practitioners
- laboratory managers
- academicians
- researchers
- statisticians
- measurement scientists
- human factors specialists
- quality managers
- officers of the court.

Membership resides with the individual and not his or her employer or organization, with the exception of the following:

- positions on the Forensic Science Standards Board (FSSB) representing professional forensic science organizations
- positions on the Quality Infrastructure Committee (QIC) representing the American Society of Crime Laboratory Directors (ASCLD).

The FSSB may add or remove professional forensic science organizations' representative positions by a two-thirds (2/3) majority vote of the full FSSB.

OSAC Members shall be appointed in staggered three-year terms. New OSAC Members shall be selected and appointed as terms expire. OSAC Members can serve a maximum of two consecutive terms in any single unit, followed by a minimum one-year break in service before serving again on the same OSAC unit. The unit is based on the member's appointed position and shall be associated with the highest level of the OSAC on which the member serves (e.g. SC Chairs are SAC positions). Members who have served two consecutive terms in a single unit, or who request a break in service, may become Affiliates.

Affiliates do not have voting privileges and term limits do not apply. Affiliates serve at the pleasure of the unit Chair unless superseded by a two-thirds (2/3) majority vote of the entire FSSB to suspend or terminate their activity. Suspension or termination of an Affiliate, either by the unit Chair or by the FSSB, is effective immediately without appeal.

#### 4.2 Selection of FSSB, SAC and Resource Committee Members<sup>1</sup>

##### 4.2.1 Nominations Task Group

The Nominations Task Group shall consist of the following individuals:

- FSSB Members representing professional forensic science organizations
- the NIST Ex-Officio Member. He or she may delegate this role to another NIST staff member working on behalf of NIST.

When one or more seats become open on the FSSB, SAC, or a Resource Committee:

- The Nominations Task Group shall be provided with the number of open positions to be filled in the impacted OSAC unit and shall be provided guidance from OSAC units on specific applicants' attributes that may be needed to fulfill OSAC requirements for skills, experience, and balanced representation
- OSAC Chairs shall review the current OSAC applicant pool and shall recommend qualified people to the Nominations Task Group
- The Nominations Task Group shall seek recommendations for names to consider from other OSAC units including SAC Chairs and Resource Committee Chairs.
- if the FSSB Nominations TG feels that a solicitation for interested applicants is needed, a public announcement of the vacancy can be made.

---

<sup>1</sup> Does not apply to the selection of Subcommittee and Task Group members. See the Subcommittee Terms of Reference for more information on this process.

#### 4.2.2 Selection Criteria

The Nominations Task Group shall evaluate individuals in the OSAC Applicant Database against the following eligibility criteria for membership:

- skill and experience – individuals who are knowledgeable of forensic science and other disciplines and who can contribute to the development of the forensic science quality infrastructure
- interest – individuals must be willing to devote the energy and attention required
- character – individuals who have earned the confidence of others in the community, those whose reputation shall enhance the OSAC reputation within the community
- availability – individuals who are able to commit to attending meetings, working on projects and representing the OSAC in the community
- employer classification – individuals who are employed by different types of organizations (Federal Government, State Government, Local Government, Tribal Government, Federally Funded Research and Development Centers (FFRDC), Academic, or Private)
- primary job classification – individuals who hold different roles in their organizations (e.g., Practitioner, Researcher, R&D Technology Partner, Educator or Trainer, Quality Assurance Manager, Attorney or Judge)
- OSAC Unit preference indicated by the applicant.

No person shall be denied Membership for reason of race, color, religion, sex, national origin, age, disability, or sexual orientation.

OSAC Members must be US Citizens or non-US citizens who reside in the United States.

Nominations for individuals to fill the positions on the Forensic Science Standards Board (FSSB) representing professional forensic science organizations and the positions on the Quality Infrastructure Committee (QIC) representing the American Society of Crime Laboratory Directors (ASCLD) shall come from the professional organization.

#### 4.2.3 Preparation of a Slate of Selected Applicants

The Nominations Task Group shall verify the eligibility of applicants, including their ability to fulfill the requirements of the open seats.

The Nominations Task Group shall select a slate of selected applicants from the pool of eligible applications corresponding to the requirements for vacant seats.

#### 4.2.4 Confirmation of a Slate of Selected Applicants

The Nominations Task Group shall defend its slate before the FSSB.

The FSSB shall vote to accept or reject the individual nominees within the slate. The FSSB may reject nominees only if they do not meet the eligibility criteria or are otherwise not qualified to fill the open position for which they are nominated.

Cause for rejection shall be clearly stated so that the Nominations Task Group may propose a new slate or a partial slate.

If seats remain open at the end of the nomination confirmation process, the FSSB Chair should provide guidance to NIST to initiate another Call for Applicants.

## **5. OSAC Code of Responsibility**

The OSAC is composed of professionals assembled in a collaborative effort to strengthen the nation's use of forensic science.

To protect the integrity of the OSAC community, Members and Affiliates agree to abide by the following principles:

- comply with the OSAC Charter and Bylaws, and applicable Terms of Reference (ToR)
- avoid any personal and professional conduct that places or could be construed to place the OSAC in the position of endorsing products or services for an individual's own financial or personal gain or for the financial or other gain of the individual's employer
- provide a complete and accurate representation of their education, training, experience, and expertise and qualifications
- conduct themselves in a professional manner at OSAC meetings and other events at which they are representing the OSAC
- inform the appropriate FSSB, SAC, SAC Subcommittee, or Resource Committee in which they participate, of any conflict of interest and ask to recuse themselves from voting on issues subject to the conflict of interest
- uphold confidentiality of all documents developed within the OSAC until the document has been cleared to be released to the public by the Scientific Area Committees (SACs) or Forensic Science Standards Board (FSSB)
- documents developed within the OSAC that have not yet been cleared for public release may be shared outside of the OSAC with the approval of the SAC Chair (for SAC Subcommittee or Task Groups) or FSSB (for the Scientific Area Committees or Resource Committees).

## **6. Censure, Suspension or Termination of Membership**

### **6.1 General**

Any OSAC Member may be censured, suspended or terminated by a two-thirds vote of the entire FSSB for failure to satisfy OSAC participation/work product contribution requirements or for cause, including but not limited to violating the OSAC Code of Responsibility, engaging in any conduct, either within or outside of OSAC, that is contrary to the interests of OSAC or to the advancement of OSAC goals.

### **6.2 Insufficient Participation**

The expectations for OSAC Unit participation and work product contribution are delineated in the OSAC Unit Participation Requirements procedure. The Executive Secretary of each OSAC unit shall maintain records of Member attendance at and participation in OSAC unit in-person meetings, as well as virtual meetings. Task Group Chairs are responsible for tracking Task Group member participation and work product contribution. A petition to censure, suspend or terminate a Member for failure to satisfy Unit Participation Requirements procedure shall be prepared by the OSAC Unit Chair and forwarded directly to the FSSB for evaluation and appropriate action. Notice of FSSB action on a petition shall be provided to the Member in accordance with Section 6.3(a)-(b).

### **6.3 For Cause**

Any violation of the OSAC Code of Responsibility or engaging in any conduct, either within or outside of OSAC that is contrary to the interests of OSAC or to the advancement of OSAC goals, is considered grounds for censure, suspension or termination.

Any Member, or any member of the public, may submit to the Chair of the applicable unit, a written petition to censure, suspend or terminate a Member. The petition shall contain specific information that is believed to support censure, suspension or termination for cause as set forth herein. The unit Chair shall report all such supported written petitions to the Chair in the next higher level. That Chair shall forward the petition to the FSSB for evaluation and appropriate action, which may include censure, suspension or termination.

When the FSSB concludes that censure, suspension or termination is appropriate:

- (a) the Member will be given written notice of the proposed censure, suspension or termination, which shall include the reasons therefor.
- (b) the notice will be delivered personally, by certified mail, or email, delivery receipt requested, or by a national or international overnight courier service, sent to the last address of the Member shown on OSAC records.
- (c) the notice will be given at least thirty (30) days prior to the effective date of the proposed censure, suspension or termination.
- (d) the notice will set forth a procedure for a hearing as determined by the FSSB prior to the censure, suspension or termination of a Member. The Member will be given the opportunity to be heard by the FSSB, either orally or in writing (and represented by counsel if the Member so desires, at the Member's sole cost and expense), not less than five business days before the effective date of the proposed censure, suspension or termination.

Notwithstanding the foregoing, in the event that the FSSB believes that a Member has engaged or is engaging in willful misconduct to the detriment of OSAC, its Members, or to the goals of the OSAC, the FSSB may, on its own motion, censure, suspend or terminate the Member immediately.

The representative positions for professional forensic science organizations on the FSSB and the representative positions from the American Society of Crime Laboratory Directors (ASCLD) on the Quality Infrastructure Committee (QIC), may be recalled for cause, by and at the discretion of the corresponding professional organization or association.

## **7. OSAC Structure**

### **7.1 Forensic Science Standards Board**

The OSAC shall have a Forensic Science Standards Board (FSSB). The FSSB shall consist of the Chairs of each Scientific Area Committee (SAC), representatives from national forensic science professional associations, Members-at-large, one NIST representative (Ex-Officio Member) and Resource Committee Chairs as outlined in the FSSB Terms of Reference (ToR). Additional Members-at-large may be appointed with the approval of a two-thirds (2/3) majority vote of the full FSSB.

### **7.2 Resource Committees, Scientific Area Committees, SAC Subcommittees**

OSAC shall consist of Scientific Area Committees (SACs), a Human Factors Committee, a Legal Resource Committee, a Quality Infrastructure Committee and SAC Subcommittees. NIST shall be

consulted by the FSSB for all associated policies and procedures regarding the establishment, merging, bifurcation and/or dissolution of Resource Committees, Scientific Area Committees (SACs) and SAC Subcommittees.

### 7.3 Task Groups

OSAC shall have Task Groups appointed to perform specific tasks. Task Groups can be formed under the Forensic Science Standards Board (FSSB), a Resource Committee, a Scientific Area Committee (SAC) or a SAC Subcommittee. Task Groups are composed of OSAC Members, or OSAC Members and OSAC Affiliates.

### 7.4 Liaisons

There are professional forensic science organizations that are directly relevant to the mission of OSAC. A limited number of these organizations may be asked to nominate individuals to serve on the Forensic Science Standards Board (FSSB) and the Quality Infrastructure Committee (QIC) as vacancies arise. The selection of those organizations is at the discretion of the FSSB.

## 8. Meetings

FSSB meetings, Resource Committee meetings, Scientific Area Committee meetings, SAC Subcommittee meetings shall be conducted in accordance with each unit's Terms of Reference (ToR). Task Group meetings shall be conducted in accordance with their respective OSAC units ToR.

## 9. Publications

OSAC publications are not legal documents, laws or regulations.

## 10. Lobbying

OSAC Members and Affiliates shall not engage in lobbying related to forensic science as part of their OSAC activities.

## 11. Commercial Activities

The OSAC shall not design, promote or sell products or technologies.

## 12. Proprietary Rights

### 12.1 General

Except for policies and procedures that may be issued by NIST to the contrary, all information disclosed by any participant during any official meeting or activity of OSAC, including FSSB meetings, Committee or Subcommittee meetings, Task Group or unit meetings, whether in-person, virtual or telephonic, and including related correspondence including but not limited to emails, shall be deemed to have been disclosed on a non-confidential basis, but without waiving any rights of Federal or international statutory patent or copyright, except as set forth herein.

No right, express or implied, to any copyright, trademark, or any other Intellectual Property right of any Member or Affiliate is granted to OSAC or any other Member or Affiliate solely as a consequence of disclosing information as set forth above, provided, that the disclosing Member or Affiliate agrees to grant the non-exclusive, irrevocable, royalty-free, worldwide right to NIST and/or NIST's contractor(s) involved in OSAC Administration, to use the information in connection with the development of the



OSAC work product for which the information was disclosed, and to use, and grant permission to use, the work product's content derived from the information, in any format or media without restriction.

No Member or Affiliate shall be required to exchange proprietary information with any other Member or Affiliate solely because of being a Member or Affiliate of OSAC.

## 12.2 Copyright

OSAC work products subject to copyright include any standards, policies, procedures, or other documents ("Works"), and copyright in such Works will be held by NIST as OSAC Administrator or by NIST's contractor(s) involved in OSAC Administration.

Any rules or policies adopted by NIST shall control all rights of ownership and publication related to Works, the specific license rights to which Members or Affiliates may be entitled, and fees, if any, which may be charged to Members, Affiliates and third parties for access to and use of such Works.

## 13. Record Retention

All records shall be retained according to a formal records management policy as defined by policies and procedures set out by NIST (NIST Order 1601.00 Records Management). All OSAC records are subject to the Freedom of Information Act (FOIA).

## 14. Amendments

The FSSB may amend the OSAC Charter and Bylaws with approval of at least a two-thirds (2/3) vote of the entire FSSB.

## 15. Dissolution and Transition

NIST reserves the right to dissolve OSAC or transition the OSAC to another organization.