

Complaints under the Code of Professional Behaviour

How to make a complaint

1. Ensure that the person you are lodging the complaint against is a member of the Society. Please note that ours is a society of professionals, not companies, and so the complaint must be about the actions of an individual rather than an organisation.
2. Review the Code of Professional Behaviour and identify the specific breach that is the basis for your complaint.
3. Address your complaint, in writing, to the Professional Conduct Officer.
4. The Professional Conduct Officer will:
 - Clarify the nature and particulars of the complaint.
 - Try to resolve the complaint by having the parties communicate with each other and, if necessary, mediate between the parties.
 - Carry out independent investigation of the substance and particulars of the complaint as considered appropriate, taking into account all of the circumstances.
 - Collate relevant information through liaison with the complainant and the subject of the complaint.
 - Exercise the power to dismiss the complaint through lack of a prima facie case.
 - Prepare and present a report to the Committee describing the complaint.
 - Recommend appropriate action.
5. The resolution of complaints can take a number of months. Complaints can not be treated anonymously and should only be made once full consideration has been given to the likely consequences.

The complaints process

The Society only deals with complaints against members of the Australian Market & Social Research Society. This includes all classes of membership, from Fellows to student members. The Society receives and considers complaints against members from both members and the general public.

All complaints must be put in writing and the written complaint should identify specific infringements of the Code of Professional Behaviour.

Commercial, privacy or employment-related disputes which relate to companies rather than individuals and which do not involve a possible breach of the Code of Professional Behaviour cannot be addressed through the complaints procedure.

These will be referred, where appropriate, to the Association of Market & Social Research Organisations.

Complaints must be made to the Professional Conduct Officer of the Australian Market and Social Research Society. Professional Conduct Officers are full members appointed by the Society's National Council.

The National Council will from time to time also convene a Professional Conduct Committee of three people to deal with serious complaints, on which each Division would normally have at least one representative. This Committee will include any person appointed as a Professional Conduct Officer and would normally include such Fellows of the Society as the Council may think fit.

Any person appointed as a Professional Conduct Officer or as a member of the Professional Conduct Committee must have at least five years research experience and ordinarily more than ten, and may or may not be a member of the National Council or Divisional Committees of the Society.

The role of the Professional Conduct Officer

The Professional Conduct Officer will:

- Receive complaints relating to any member of the Society, from both members and non-members of the Society.
- Give potential complainants the necessary information to make a complaint if they so wish. This information will include the Code of Professional Behaviour, Complaints Procedure and guidelines outlining "Making a Complaint".
- Ensure that the complaint is made in writing.
- Clarify the nature and particulars of the complaint.
- Try to resolve the complaint by having the parties communicate with each other and, if necessary, mediate between the parties.
- Carry out independent investigation of the substance and particulars of the complaint as considered appropriate, taking into account all of the circumstances.
- Collate relevant information through liaison with the complainant and the subject of the complaint.
- Exercise the power to dismiss the complaint through lack of a prima facie case.
- Prepare and present a report to the Committee describing the complaint.
- Recommend appropriate action.

Timeframe for considering complaints

Within 28 days of receiving any complaint, the Professional Conduct Officer will give the subject of the complaint notification, in writing, of:

- The fact that a complaint has been received
- The substance and particulars of the complaint (referring him or her to the Code of Professional Behaviour and Complaints Procedure) including a copy of the complaint
- The fact that the subject of the complaint is required to respond, in writing, to the Professional Conduct Committee within 28 days of advice of the complaint (or an explanation of why this response cannot be made available in 14 days, and when it will be available)

As soon as it is reasonably practicable, the Professional Conduct Officer will submit a report with a recommendation to the National President of the Society, in writing, regarding his/her findings as to the substance and particulars of the complaint. This must also be supplied to the subject of the complaint. Any such report will include any response received from the subject of the complaint. No such report will be submitted by the Professional Conduct Officer before the 15th day after giving notification of the complaint, in writing, to the subject of the complaint.

Upon receipt of any such report by the National President from the Professional Conduct Officer, the National President will request three members of the Professional Conduct Committee to consider the complaint. The members so appointed will have no affiliation with the person making the complaint or the person who is the subject of the complaint.

The Professional Conduct Officer who submitted the report as to the complaint may, but need not be, among the three members of the Professional Conduct Committee so appointed.

Within seven days of the appointment of the three members of the Professional Conduct Committee its Chairman must advise the complainant and the subject of the complaint that a Committee has been appointed, and who the members are.

The role of the Professional Conduct Committee

On having a matter referred to them, the Professional Conduct Committee will:

- Consider the report of the Professional Conduct Officer
- Make reasonable efforts to resolve the complaint by consultation with these two parties
- Give the subject of the complaint opportunity to make representation. The Committee is entitled to conduct the meeting in the absence of the complainant (should he or she choose not to make representation), and the subject of the complaint (should he or she choose not to make representation)

Where the matter is resolved or dismissed...

If the three appointed members of the Professional Conduct Committee resolve, or dismiss, the complaint between the complainant and the subject of the complaint, then they will report the matter and its resolution in writing, within twenty eight days of resolution to the Chairman, and the National Council of the Society will not be required to take any further action in relation to the complaint.

Where the matter leads to sanction...

If the Professional Conduct Committee reports that there is sufficient substance to the complaint to warrant the imposition of a sanction on the member complained of, it is empowered to impose upon the member all or any one or more of the following penalties:

- Service notice on the member, the subject of the complaint, specifying the failure with respect to the complaint and directing that the failure be made good within the period specified in the notice.
- Reprimand the member in writing.

- Suspend the member from the enjoyment of any rights or privileges in connection with Membership and/or the facilities or services provided by it.
- Expel the member from the Society.
- Advise the member (as per rule 16.3 of the AMSRS Constitution) that the Society's National Council may report such direction, reprimand, suspension and/or termination within the Society's newsletter.

The imposition of any such penalties will be delayed for 14 days from the time when the decision is notified to the subject of the complaint so that he or she is given sufficient time to lodge an appeal.

Lodging an appeal

The subject of the complaint, may, within fourteen days of receiving in writing the decision of the Professional Conduct Committee, lodge an appeal in writing against either the findings or the sanctions imposed. All correspondence is to be addressed to the Society's National President.

Should the National Council decide that there are grounds for an appeal, National Council will itself consider the complaint and the sanctions imposed and may or may not, at its absolute discretion, give the parties to the complaint the opportunity to be present and/or to restate their arguments. National Council may also direct the relevant members of the Professional Conduct Committee or the Professional Conduct Officer to attend and/or make submissions. In deciding whether or not to grant an appeal and in deciding the result of such an appeal, the decision of National Council will be final.

Special circumstances

When the subject of the complaint is a company or partnership, the Senior Executive of that Company or Partnership will be held responsible for the actions of that Company or Partnership.

Where a complaint is laid against the Professional Conduct Officer or a member of the Professional Conduct Committee, the Chairman is required to replace that member with a full member of the Society.

Where a Professional Conduct Officer or member of the Professional Conduct Committee is subject to a conflict of interests in dealing with any complaint, that person will be replaced with a full member of the Society.

In the event of the unavoidable absence of the Professional Conduct Officer, after consultation with the Chairman, any full member of the Society may be appointed if a complaint needs to be dealt with.

In the event of the unavoidable absence of a member of the Professional Conduct Committee, after consultation with the Chairman, any full member of the Society may be appointed if a complaint needs to be dealt with.

If need be, other members and non-members may be requested to provide advice to the Professional Conduct Committee or to the National Council in its consideration of disciplinary matters.