
BREACHES OF THE CODE OF CONDUCT FOR OFFICERS & MEMBERS POLICY

1.0. PURPOSE

The College promotes and enforces the standards set out in the provisions of the Code of Conduct. It is a breach of the Code for an Officer and Member not to comply with any provision of the Code.

Officers and Members who are found to have breached the Code may be / will be subject to sanctions outlined in this policy. All Officers and Members are expected to understand and adhere to the Code of Conduct, but their conduct and any complaints or alleged misconduct are investigated in accordance with this policy.

2.0. OBJECTIVES

This policy outlines the sanctions available to the College where an Officer/Member has failed to adhere to the standards outlined in the Code of Conduct or is found to be in breach of the Code of Conduct.

RACMA's objects are focused on training and competency, not misconduct in the workplace/employer/employee context.

3.0. INTENT

To maintain and enforce that the Code of Conduct establishes the importance of Officers and Members are maintaining the highest standards of professional behaviour.

The College believes that having professional conduct in line with these requirements is critical to preserving the reputation and high standards expected of our profession. However, the College is not a regulatory authority. As a membership-based organisation, the College has limited capacity to conduct investigations and appropriately assess breaches of the Code of Conduct. It does not have legal or regulatory powers and cannot require the production of records or information.

4.0. SCOPE

This policy applies for all Officers and Members of the College where complaints may include but are not limited to behaviours relating to:

- integrity and ethical issues
- quality of training support
- conflict of interest
- fraud, bribery, dishonesty and favouritism
- discrimination, victimisation, bullying and harassment

RACMA does not have a legal duty to deal with a complaint about from a non-Member of the College.

5.0. KEYWORDS

Complaint, breach, stand down, unacceptable conduct, censure, counselling, termination, noncompliance, reprimand, mediation, acceptable conduct, sanction

6.0. BODY OF POLICY

6.1. Complaints

Complaints about an Officers and/or Members conduct may come from colleagues, Fellows, other Members, College staff, regulatory authorities, jurisdictional chairs or College Stakeholders.

6.1.1. All complaints must be submitted in writing to the Chief Executive.

6.1.2. The College must maintain high standards of medical administration practice expected in Australia and New Zealand.

6.1.3. RACMA does not have a legal duty to deal with a complaint about from a non-Member of the College.

7.0. COMPLAINTS PROCESS

7.1. Complaints Relating to the Conduct of All Officers and Members

Complaints relating to the conduct of all Officers and Members and need to be expressed to the College through the Office of the Chief Executive (CE) in writing.

7.1.1. Complaints which will be handled by the College are those which could harm the reputation and interests of the College.

7.1.2. No complaint will be considered unless it is in writing, names the Officers and Members against whom the complaint is made, provides details of the nature of the conduct or complaint alleged and includes the name and address of the person or persons making the complaint.

7.1.3. Receipt of a complaint will be acknowledged on behalf of the College by the Chief Executive within five (5) working days.

7.1.4. A complaint will be dealt with, as far as possible, on a confidential basis and consistent with the protection afforded by the legal principle of qualified privilege. The person or persons making the complaint should be informed that the College does not guarantee anonymity of those making complaints.

- 7.1.5.** The documented concerns are provided to the Officer and or Member along with relevant College reference material (*Code of Conduct, Appeals & Reconsideration policies*).
- 7.1.6.** When processing a complaint, the Chief Executive, in consultation with the relevant College President, shall consider whether the matter or complaint should be appropriately referred, including consideration of the following:
- whether the matter or complaint falls within the scope of this procedure
 - whether the matter or complaint would be more appropriately dealt with by another body or authority, either within or outside the College, e.g. Education and Training Committee, a sub-committee of the RACMA Board (appointed for that purpose)
 - whether the matter or complaint is currently being dealt with by another Authority whether the matter or complaint should be adjourned or not dealt with, pending a hearing or determination by another Authority, e.g. the relevant Medical Board or Medical Registration Authority.
- 7.1.7.** If the complaint is less serious, it is handled and investigated through the Office of the Chief Executive within twenty (20) days of receipt of the written complaint.
- 7.1.8.** Responses received are reviewed by the CE, requires no further action, if they are satisfied that no breach of the College Code of Conduct has occurred.
- 7.1.9.** A letter is sent to the Fellow/Associate Fellow/Candidate and to the complainant informing them of the outcome of the review within fourteen (14) days of the investigation.
- 7.2. Sanctions**
- 7.2.1.** The outcome of a review may be:
- No further action will be taken
 - Dismiss the complaint and exonerate the Officer/Member
 - Counsel the Officer and Member and require him/her to participate in any relevant College program/activity
 - Censure the Officer/Member
 - Issue a written warning
 - Refer the matter to the RACMA Board for consideration (including suspension or termination of the membership or the Officer's tenure)
 - Refer the matter or complainant to an appropriate authority
- 7.2.2.** If the situation is not explained and/or resolved satisfactorily under clause 7.0. and 7.1., the complainant will receive a response within twenty (20) days of receipt of the written complaint and advised a more formal investigation will commence.

7.2.3. More formal investigations within the College will be undertaken by Officers of the College Board. More formal investigations will typically be completed within twenty (20) working days.

7.3. Reconsideration of Outcome

A complainant not satisfied with the outcome of the investigation of the RACMA Professional Standards Committee may initiate a staged process of reconsideration and appeal under the College policies.

7.4. College Reporting

- Documentation of the complaints process is coordinated through the Office of the Chief Executive.
- Reports about complaints will be made to the RACMA Board.

8.0. ASSOCIATED DOCUMENTS

College Constitution
Discrimination, Bullying and Harassment Policy