

Procedure

Referral of Matters to the Membership Conduct Committee (MCC)



Authorising Committee/ Department:	Board
Responsible Committee/ Department:	Corporate Governance Risk Committee
Document Code:	PRC OPCEO Procedure for Referral of Matters to the Membership Conduct Committee

Purpose

The purpose of this document is to outline the process to be followed in referring matters to the Membership Conduct Committee (MCC), in relation to the handing of complaints against College members and the professional conduct of a College member.

Background

The role of the Membership Conduct Committee, which reports directly to the Board, is to consider matters, as referred by the Board Directors and Chief Executive Officer, and where appropriate, to make recommendations regarding the conduct of a College member.

In accordance with its Regulations, the MCC considers matters specifically related to:

- Unethical, Unprofessional or unbecoming conduct;
- Conduct which is inconsistent with the College's Code of Ethics and Code of Conduct;
- Complaints concerning College elections in accordance with the established procedure for reviewing complaints relating to elections
- Conduct which is prejudicial, adverse or damaging to the interests of the College.

The MCC is committed to the implementation of reasonable, transparent and accountable decision making.

Procedure

1. Any matter or concerns in relation to a College member's conduct should be addressed to the Chief Executive Officer in writing.
2. The correspondence must clearly set out the allegations made in relation to the College member's conduct and include any supporting evidence.
3. The Chief Executive Officer may inquire or seek to obtain any other information, records or reports from any person, body or institution relevant to the complaint and concerns as he or she thinks appropriate to compile a confidential brief in relation to the allegations.
4. Within three (3) weeks of the receipt of all material, the Chief Executive Officer and/or delegate will compile a confidential brief of all information to be presented to the Chair of the Membership Conduct Committee as detailed below.
5. To ensure that the MCC is informed, the brief must contain clear and background information regarding the said matter, and should include, but be not limited to:

- a) The reason(s) for the referral and supporting evidence e.g. emails, letters, extracts from publications etc
 - b) Extract of any relevant meeting minutes, including resolutions
 - c) The contact details of the College member being referred to the Committee
 - d) Requested action – e.g. Please review the said correspondence and recommend to the Board, for discussion at its meeting on xxx, appropriate action(s) to be undertaken.
6. Upon the completion of the brief, the College member concerned and the complainant are to be advised in writing under the signature of the Chief Executive Officer, notifying them that the matter is being referred to the MCC for consideration.
 7. Upon receipt of the brief, the Chair, MCC is to forward the documentation via the Legal Counsel (in confidence) to the other members of the MCC, and convene an initial meeting of the Committee (by teleconference), within two (2) weeks of receipt of the brief to finalise the process and dates to be followed to consider the matter (as determined by this Procedure).
 8. Within three (3) weeks of the receipt of the brief from the Chief Executive Officer, the College member concerned is to be advised in writing, under the signature of the Chair, MCC, that the matter is being considered and give details of the complaint and the conduct under consideration. The College member concerned will only receive a copy of the full original complaint if the complainant has given consent for this to be provided.
 9. In the correspondence, the College member may be advised of the potential for the matter to be referred to the Board and the powers of the Board to deal with the matter if it involves unbecoming conduct, or conduct which is prejudicial to the interests of the College, and which may lead to termination, warning, counseling or censure.
 10. The Chair will also request a formal submission in writing from the College member, in response to the conduct under review. The MCC will advise the College member that the written submission must be received no later than 21 days after the request for the submission has been sent by the Chair, MCC.
 11. Once the written submission has been received, the MCC will consider whether it wishes for the member to also make a submission in person or via teleconference, or whether it wishes to proceed on the basis of documentation provided to the College and the written submission provided by the member concerned. If the MCC determines to proceed on the basis of documentation received, the Committee will convene a second meeting, within five (5) weeks of the receipt of the brief from the Chief Executive Officer, to consider the matter.
 12. If the MCC determines that they wish for the College member to attend to make a submission in person or via teleconference the MCC will advise the member at least 21 days prior to the date of the meeting. This meeting should be held within nine (9) weeks after the receipt of the brief from the Chief Executive Officer. The member may bring a support person at the discretion of the Chair, MCC.
 13. If the member requests on a face to face meeting that was not proposed by the MCC, the College member concerned will be required to pay a nominal fee of \$ 750 prior to the instigation of the meeting.
 14. Once all the information has been collected, and the respective College member has had sufficient opportunity to make a submission, the Committee will consider the information having regard to the RANZCP Code of Ethics and Code of Conduct, the RANZCP Constitution, MCC Regulations and any other relevant College documents or policies.
 15. The Committee, in reviewing the matter, will consider all evidence provided to them, and may –

- a) reach a decision based on the evidence provided, and recommend to the Board, in writing addressed to the Chief Executive Officer, appropriate actions to be undertaken
 - b) wish to obtain further information from third parties (witnesses etc). If so, the MCC will need to determine a process by which that information is collected and ensure that any such information is made known to the College member under consideration, and for them to make further submissions in relation to that information.
16. Minutes of all meetings of the MCC shall be kept, and in the case of a member presenting a submission in person, the meeting must be recorded (audio).
 17. Once all the information has been considered, the MCC will prepare advice and recommendations for the Board.
 18. The Board, at its next scheduled meeting, will consider the recommendation(s) of the MCC and approve appropriate actions to be undertaken.
 19. The College member concerned will be notified in writing, under the signature of the Chief Executive Officer, of the outcome within two (2) weeks of the Board determination.
 20. Following the above, the complainant will be advised of the outcome of the complaint, in confidence.
 21. The College member concerned shall have the right to Appeal the decision of the MCC, within 3 months of notice of such decision, in accordance with the College's Appeals process.
 22. The MCC retains the right to an extension of time within which to undertake the Procedure outlined above. The College member will be advised in writing, as soon as practicable, of the extension required.
 23. This procedure will be reviewed and updated as required.

Associated Documents:

- RANZCP Constitution
- RANZCP Code of Ethics and Code of Conduct
- Procedure for reviewing election complaints
- Membership Conduct Committee Regulations
- RANZCP Appeals Process and Appeals Committee Regulations
- Board Election Regulations, Policies and Procedures
- Fellowship Program and Certificate of Advanced Training Regulations, Policies and Procedures
- Specialist Pathway Regulations, Policies and Procedures

Revision Record Footer

Contact:		Legal Counsel OPCEO	
Date	Version	Approver	Description
30/08/2014	1.0	B2014/5 R4	New Document Document
NEXT REVIEW			

Process for reviewing concerns in relation to a College member's conduct			
Time	Matter is being referred to the MCC for consideration	Yes	No
Within two (2) weeks of receipt of the brief	MCC Chair is to forward the documentation (in confidence) to the other members of the MCC, and to convene an initial meeting of the Committee (by teleconference), to finalise the process and dates to be followed to consider the matter		
Within three (3) weeks of the receipt of the brief	MCC Chair to advise in writing the College member concerned, that the matter referred to the MCC is being considered and give details of the conduct under consideration. The Chair to request a formal submission in writing from the College member, in response to the conduct under review.		
Within 21 days of request for the submission has been sent.	College member will forward written submission to MCC		
Within five (5) weeks of the receipt of the brief OR At least 21 days prior to the date of the meeting. Within nine (9) weeks of the receipt of the brief	MCC will consider whether it wishes for the member to also make a submission in person or via teleconference, or whether it wishes to simply proceed on the basis of documentation provided by the College and the written submission provided by the member concerned. If the MCC determines to simply proceed on the basis of documentation received, the Committee will convene a second meeting to consider the matter OR If the MCC determines that they wish for the College member to attend to make a submission in person or via teleconference the MCC will advise the member. Meeting with oral submission in person or via teleconference occurs to consider matter.		
At the next scheduled meeting OR Out of Session	The Board will consider the recommendations of the MCC and approve as required.		
Within two (2) weeks of the Board meeting	The College member concerned will be notified in writing of the outcome, by the Chief Executive Officer.		
Within three (3) months of being informed of the outcome	The College member concerned shall have the right to Appeal the decision of the MCC, in accordance with the College's Appeals process.		