

## AAAC MEMBER DISPUTES & COMPLAINTS PROCEDURE

### 1.0 PREAMBLE

This document details the process required in the event that a complaint is made by either one member of the AAAC (complainant) against another member (defendant), or by a non-AAAC member (external person/party) (external complainant) against a AAAC member (defendant).

At all times, members shall treat their peers professionally and with due respect and initially all efforts shall be made to resolve any dispute directly between the principals or directors of the firms concerned.

At all times, members shall treat an external person/party professionally and with due respect and initially all efforts shall be made to resolve any dispute directly between the principals or directors of the firm concerned and the external complainant.

Only in the event that a dispute cannot be resolved between members directly or in the case of a perceived slight or injustice, or claims of inappropriate behaviour (in a commercial or technical sense) shall the offended member or external complainant then formally approach the AAAC Executive to investigate the matter.

When a complaint is received, the Executive and member are bound to act in the interests of the AAAC and are reminded of their commitment and obligation at all times to abide by the AAAC Code of Ethics.

This dispute resolution procedure is designed to assist in resolving matters to ensure the ongoing and co-operative relations between all members committed to the development of the acoustic consulting profession in Australia. Disputes of a purely technical nature and any conclusions reached as a result are outside the scope of this dispute resolution procedure.

### 2.0 ACTION BY THE EXECUTIVE

The Executive shall:

- Acknowledge receipt of complaint and advise complainant of timing for reply
- Advise the member (defendant), giving details of the nature of complaint made, by whom and particulars
- Inform the defendant that they may nominate a AAAC person to sit on the investigating committee as their representative (1 of 3 Committee members).

### 3.0 INVESTIGATING COMMITTEE

- The Committee shall consist of three persons: the Chairman; one member nominated by the Executive; and defendant's appointee
- Two of the Committee members shall be nominated by AAAC Chairman or his nominee (a member of the Executive) unless Chairman or other Executive member is the subject of complaint. In such cases, the Executive shall nominate a suitably experienced person in lieu, subject to agreement by membership

- The third committee member may be at Chairman's endorsement or be nominated by the defendant
- Committee members shall be current members of AAAC or their representatives
- Meeting of full Executive may be necessary to address appropriate selection of Committee
- If there are any unresolved issues the matter is to be discussed by the attending membership at the next mid-year meeting or Annual General Meeting.

#### 4.0 DUTIES IN REGARD TO THE COMPLAINT

- All members must co-operate with the Committee
- For external complaints, the external person/party must co-operate with the Committee or the complaint will be dismissed
- Any actual or potential conflicts of interest must be declared
- Process is to be inclusive and consultative.

#### 5.0 ACTIONS BY ALL PARTIES

- All parties shall act with discretion to uphold the AAAC's professional standing
- Explanation of complaint in writing to be provided by complainant
- Additional information to be obtained as necessary
- If considered necessary, a member may appear before the Committee to present their case (costs not to be paid by AAAC)
- Committee shall attempt to achieve an agreed solution by conciliation, mutual discussion and advice in a co-operative and timely manner
- Unless any decision is unanimous, the process shall cease and the issue referred back to the full Executive
- All correspondence shall be "confidential, without engagement and without prejudice"
- The Committee can recommend disciplinary action to the Executive
- The Committee must report on its deliberations and where possible, present conclusions to the Executive
- The Committee must report on its decision within nine months
- If the Committee cannot reach a decision, the dispute is to be handed over to the Executive
- If the Committee makes a recommendation, an Executive meeting shall be held to consider the matter and any necessary action.

#### 6.0 ACTION BY EXECUTIVE IF A COMPLAINT IS UPHELD

The Executive shall:

- Advise all parties of the outcome
- May then issue a letter of warning to the member concerned (3 warnings in 10 years shall result in termination of membership)
- May request termination of membership
- May, at its discretion, publish the results in an appropriate media such as the AAS magazine or the members' areas of the AAAC website
- May require any other appropriate action deemed necessary.

## 7.0 ACTION BY COMMITTEE IF A COMPLAINT IS DISMISSED

The Executive shall:

- Advise the parties concerned that the complaint has been dismissed and reason for the dismissal
- Advise the membership of the complaint being discussed, but not name the parties concerned
- Take no further course of action.

## 8.0 PRIVACY AND CONFIDENTIALITY

- All matters discussed by the Committee shall be confidential; only the decision may be made public
- All matters relayed to the Executive by the Committee shall be confidential
- On completion of an action, the file including all correspondence shall be sealed and lodged with the secretary.