

Code of Conduct Procedure

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| Linked Policy Document | This procedure details actions and processes pursuant to the Australian Mathematical Society Code of Conduct |
| Version No. | Version 1.0 May 2021 |
| Authorisation | The Australian Mathematical Society |
| Expiry Date | Policy to be reviewed by 31 December 2025 |
| Responsible Officer | President of the Australian Mathematical Society |
| Policy Owner | The Australian Mathematical Society |

1. Glossary

- Society: The Australian Mathematical Society;
- Code of Conduct: The Code of Conduct of the Society;
- Council: The Council of the Society;
- Procedure: The Code of Conduct Procedure;
- Committee: Professional Conduct Committee. The committee of the Society handling reported breaches of the Code of Conduct;
- Reporting Person: Any individual (or group of individuals) who brings (bring) a breach of the Code of Conduct to the attention of the Society;
- Respondent: The person (or persons) alleged to have breached the Society's Code of Conduct;
- Complaint: A formal complaint of a breach of the Code of Conduct lodged with the Society.

2. Purpose

The Society is committed to:

- ensuring that its members work proactively to promote good professional conduct;
- preventing breaches of the Code of Conduct; and
- ensuring prompt and appropriate resolution of breaches of the Code of Conduct including where appropriate, resolving breaches at the lowest level by consultation, cooperation and discussion with relevant Society members and/or registered participants at events hosted by the Society.

The principles of natural justice will apply to this Procedure to ensure, so far as possible, processes are effective, fair, transparent and timely.

3. Scope

This document applies to all members of the Society and registered participants at events hosted by the Society.

4. Responsibilities

Society members and registered participants at Society events.

In order to ensure that this Procedure operates effectively, members and registered participants should:

- maintain confidentiality in respect of any conduct review or investigation process under this Procedure;
- act honestly in the course of the conduct review or investigation process;
- not make vexatious claims or reports. If a report or Complaint is found to be false or vexatious, the Society (through the Committee) may sanction the Reporting Person in accordance with the 'Outcomes' section of this Procedure below and if there is an investigation or conduct review process on foot, the Committee may discontinue that process; and
- not victimise others for participating in a conduct review or investigation process. Such conduct also constitutes a breach of the Code of Conduct.

Council

The Council is wholly responsible for all business of the Society and has delegated authority to the Committee to undertake the functions outlined below, including making a decision on the outcome of any Complaint involving breaches of the Code of Conduct. Further information regarding the Council is contained in Part VII of the Australian Mathematical Society (Incorporated) Constitution on the AustMS website's About page.

Committee

- Subject to its delegation from the Council, the Committee is responsible for administering the Code of Conduct, handling reports of breaches and Complaints, managing the review and, if warranted, the investigation of any reported breaches, determining outcomes and implementing actions.
- The Committee will determine the processes by which a reported breach of the Code of Conduct is reviewed and whether an investigation will be carried out. If an investigation will be carried out, the Committee will determine whether it will be conducted internally (by a member/s of the Committee) or by engagement of a third party professional (see further under Procedure – Step 2).
- If the Committee appoints a third party professional to investigate the alleged breach of the Code of Conduct, the third party will be an independent professional consultant with experience in investigating and/or advising in relation to the type of conduct which is the subject of the Complaint.
- The third party or Committee member/s will investigate the matter in accordance with terms of reference supplied by the Committee, apply procedural fairness in doing so, and provide their findings in a report to the Committee for:
 - consideration and for final decision on the outcome (which requires a majority vote);
or
 - recommendation and/or referral to the Council for decision on the outcome.

- The Committee may refer a matter to Council without recommendation if they are unable to reach a decision on a recommendation, or if the Committee otherwise considers the nature of the circumstances warrant it doing so.

5. Procedure

The following steps may be taken to resolve a reported breach of the Code of Conduct:

- Step 1: Informal resolution by discussion or mediation between affected parties which may be facilitated by an appropriate member of the Committee, the Council or an independent third party engaged by the Committee;
- Step 2: Formal lodgement of Complaint and internal or external investigation;
- Step 3: Determination of whether allegations substantiated;
- Step 4: Determination of outcome.

Each of the steps in the procedure are described below.

Step 1: Informal resolution

Any member or registered participant at events hosted by the Society (Reporting Person) who experiences, observes or has knowledge of a breach of the Code of Conduct should bring it to the attention of the Society President or the Committee Chair.

If the alleged breach involves the Society President or Committee Chair, the Reporting Person should bring it to the attention of another member of the Council or Committee. If warranted, the conduct should also be reported to a representative of the Society activity at which the breach occurred, to Police (if the Complaint relates to criminal conduct) or to any other relevant authorities.

If it is appropriate to do so in light of the nature of the alleged breach, the Society President or Committee Chair will encourage the Reporting Person to speak directly to the Respondent as soon as possible to resolve the matter if they feel comfortable and safe to do so. The details of the alleged conduct should be disclosed to the Respondent to facilitate resolution. The Reporting Person may have a support person present during this discussion.

In such a discussion, the Reporting Person should:

- identify the specific alleged breach of the Code of Conduct;
- explain the impact of the breach on the affected parties;
- request that the behaviour stops (if applicable) or some other remedial steps be taken by the Respondent to resolve the issue.

Alternatively, the Society President or Committee Chair will encourage the Reporting Person to:

- discuss their concern with the Committee; and
- explore possible informal avenues for resolving the issue such as a facilitated discussion or mediation, or, if appropriate, make a Complaint to the Committee.

The Committee may refer a report of a breach to a third party professional for review on behalf of the Committee at any time before a final decision or outcome is determined regarding the breach.

Step 2: Complaint lodged (internal or external investigation if warranted)

A Complaint may be lodged with the Committee.

Where a Complaint is lodged, the Committee will conduct a review of the matter and determine if an investigation is warranted, and if so, whether it is to be conducted either internally by a member/s of the Committee or externally by an independent third party. The decision about when and who will investigate the Complaint will rest with the Committee and will depend on the nature of the allegations. This decision will take into account the principles which underpin this Procedure, including the principles of fairness, objectiveness and dealing with Complaints in an effective and timely manner.

The Committee may review a matter without the lodgement of a Complaint when the matter may impact individuals (whether members or not) other than the Reporting Person and/or the seriousness of the Complaint warrants a review.

The Society President or Committee Chair will disclose the details of the Complaint to the Respondent to give them an opportunity to provide a preliminary response before the Committee determines whether a formal investigation (internally or externally conducted) or other action is warranted, unless the integrity of any investigation would be compromised by doing so.

Under the principles of natural justice, the Reporting Person has the right to lodge a Complaint, but the Respondent also has the right to understand the Complaint and have the opportunity to respond. The independent third party or Committee member/s will clarify the details of the Complaint to establish the facts and then put those facts to the Respondent in writing and in a meeting (if the Respondent wishes to meet). This may involve interviewing the Reporting Person, the affected person(s) (if not the Reporting Person), witnesses and then the Respondent. Each party to these meetings will have the opportunity to attend the meetings with a support person. The Respondent is entitled to know what is alleged against them in sufficient detail to enable them to respond.

At the commencement of an investigation, the Committee Chair should inform the participants about any potential outcomes that might follow if:

- the independent third party or Committee member/s finds that the Complaint is proven on the balance of probabilities and the Committee (or Council upon referral) agrees with and adopts that finding (Respondent only);
- the independent third party or Committee member finds that the Reporting Person has made a vexatious or malicious claim;
- the participants do not act honestly or participate in good faith in the conduct review or investigation process; or
- the participants victimise anyone involved because of their participation in the conduct review or investigation procedure.

Investigations will be carried out with professionalism and fairness to all parties and any mitigating or aggravating factors that are brought to the attention of the investigator will be considered.

Step 3: Determination of whether allegations substantiated

At the conclusion of the conduct review or investigation (whether conducted internally or externally), the independent third party or Committee member/s will provide the Committee with an investigation report which may include any or all of the following, as appropriate in the circumstances: the Complaint, activities undertaken during the investigation, evidence and findings of fact as to whether the conduct is substantiated on the balance of probabilities, relevant witness credibility, mitigating factors and a recommended or proposed outcome (including reasons as to outcome).

Step 4: Determination of Outcome

The investigation report will be presented to the Committee for a decision regarding an outcome, or recommendation and/or referral to Council for a decision regarding an outcome.

Upon receipt of an investigation report, the Committee will:

- propose an outcome to the Respondent for comment;
- after considering any further information provided by the Respondent, make a final decision, which may be either ratifying the recommended outcome in the investigation report or deciding on a different outcome than that recommended in the investigation report and providing a rationale for that different outcome; or
- provide a recommendation to the Council regarding a final decision on the outcome. Referral to Council may be made without recommendation if the Committee is unable to reach a decision regarding an outcome or if the circumstances otherwise warrant.

Step 6: Outcomes

The Society's decision as to whether or not the conduct is substantiated on the balance of probabilities will be promptly communicated to the Reporting Person and Respondent. The Respondent will be entitled to provide a response before a final decision is made in respect of the outcome.

The following outcomes are possible.

No action

This means that no further action will be take place in relation to the Complaint and the matter will be concluded.

This recommendation might be made if, for example there is insufficient evidence to justify any action or if it is felt that actions already taken voluntarily or through an informal process were sufficient to address the reported conduct.

Further investigation

This recommendation will be made where an internal review has been undertaken but more time is required to reach a satisfactory conclusion, or if review by a third party is required.

Actions

The actions listed below will aim to address a breach of the Code of Conduct, remedy harm caused and/or to otherwise enforce and promote the Code of Conduct:

- a recommendation that the Respondent:
 - participate in conciliatory efforts that may include: a verbal or written apology, informal mediation, or other steps intended to facilitate restoration of relationships; and/or
 - participate in coaching by a designated mentor or professional training.
- suspension of eligibility for certain Society benefits, for example:
 - o attendance and/or participation in specified Society activities;
 - holding a leadership position or other position of trust within Society, or representing Society;
 - in relation to receiving awards, being a presenter, being published in Society materials or other opportunities;
 - Society grants or funding;
- revocation of past awards or honours;
- suspension of Society membership (if applicable), subject to review for reactivation;
- expulsion from Society membership (if applicable); or
- referral to the police or another relevant authority.

After the Respondent has had an opportunity to respond to the proposed decision, the final decision made by the Committee or Council will be final and will not be subject to appeal. Continued Society membership is contingent on full compliance with any actions imposed as result of any conduct review process.