

## Complaints Handling Procedures

Procedures number	AAA CH1	Version	1
Drafted by Responsible person	Prue Walduck CEO	Approved by Board Scheduled review date	3 June 2020 June 2021

### BACKGROUND

#### Procedural Fairness:

All parties to a complaint are entitled to a fair hearing without bias and have the right of appeal. Fairness rests on three qualities – impartiality, confidentiality and transparency.

#### Confidentiality & Transparency:

All parties to a dispute, including members of the Integrity Panel and the AAA Board and staff must maintain confidentiality at all times including pre and post investigation. A breach of confidentiality could result in the complaint being dismissed.

Transparency is to be maintained throughout any investigation with all parties to the dispute being informed of the process, their right of appeal and investigation outcomes.

#### User Pays Principle:

Whilst not common, some complaints can be of a frivolous and / or vexatious nature – wasting valuable time and resources of both AAA staff and volunteers. Equally some members have a history of repeatedly making claims lacking in substance again wasting time and resources. As a result:

- \$100 Administration Fee is to be paid at the time of lodging any complaint to the AAA. This fee will be refunded in full if the complaint is not found to be frivolous, vexatious or if the investigation finds that there is no fault on the behalf of the complainant. Partial refund of the Administration fee may be made at the discretion of the Integrity Panel if the complainant is found to be partially at fault.
- Costs to engage legal services or an external third party to investigate the dispute may be passed onto the complainant or all parties to the dispute. This would apply in circumstances where the investigating panel deem there is a real or perceived “conflict of interest” requiring the engagement of an external party and / or any party to the dispute has a history of repeatedly making claims lacking in substance and / or of a frivolous or vexatious nature, with-holding evidence (especially that belonging to the AAA) and / or in-breach of any AAA Code of Conduct, the Constitution, Regulations, Policies, Procedures and the Law.

#### Complaints of a Commercial Nature:

Complaints of a “commercial” nature between two or more AAA Members are not covered under the AAA Complaints Policy. This includes any subsequent dispute or complaint (e.g. claims of bullying) which has resulted from the initial commercial dispute. The resolution of a commercial dispute is the responsibility of the complainants/s. AAA members unable to resolve a commercial dispute are encouraged to use private mediation or the appropriate court of law. AAA officials may provide initial guidance if requested.

### **Integrity Panel:**

The Board will establish an Integrity Panel each year for a 12-month period commencing 1 July. The Panel Members will be:

- A Board member (rotating with each complaint)
- CEO
- A Regional President
- A Regional Vice President.

A minimum of three panel members will review complaints which come before the Integrity Panel. Should the complaint involve any members of the Integrity Panel, or there be a conflict of interest - the Board shall select another panel member or engage an external independent third party.

## **COMPLAINT PROCESS**

1. All allegations of misconduct against a member, or the Association, should be made in writing on the Complaints Form obtained from the National Office and lodged within 7 working days from the event that the complaint is based on. The \$100 administration fee is to be paid at the time of lodging the Complaints Form with a receipt being provided.
2. Complaints are to be lodged as follows:
  - i. If against a member - lodge with the President of the Region to which the accused member belongs
  - ii. If against a Regional President – lodge with the President of the Association
  - iii. If against a Board Member – lodge with the President of the Association
  - iv. If against the President of the Association – lodge with the Company Secretary
  - v. If against the Association – lodge with the Company Secretary of the Association
  - vi. If against the Company Secretary – lodge with the President of the Association.
3. On receiving the written complaint, the person to whom the complaint was lodged (Complaint Recipient) must
  - i. explain the complaints process to the complainant reinforcing the requirement to maintain confidentiality at all times.
  - ii. Confirm that the complaint is covered under the AAA Policy with the Company Secretary
  - iii. If the complaint is rejected by the Company Secretary, the complainant will be advised in writing of the reasons for the rejection within 7 working days. The complainant has 7 working days from the date of rejection notification in which to appeal this decision by completing the Complaint Appeal Form (obtained from the National Office) and returning the form to the Company Secretary. Any appeal will be reviewed by the Board within 14 days with all parties being advised of the appeal outcome in writing. The appeal decision of the Board will be final. The administration fee will not be refunded if the appeal is rejected.
4. Once the Company Secretary confirms the complaint can proceed the complaint recipient will attempt to resolve the situation within 10 working days by liaising with the relevant parties to the complaint. If the complaint is resolved at this point the relevant Complaint Recipient will liaise with the Company Secretary to determine if the Administration Fee, or part there-of, is to be refunded.
5. If the complaint recipient is unable to resolve the complaint within 10 working days or believes there is little prospect of resolving they are to refer the complaint back to the Company Secretary to be investigated by the AAA Integrity Panel.
6. The Integrity Panel will be formed within 7 working days

7. The Integrity Panel will review the complaint and determine if:
  - there are any real or perceived “conflicts of interest” amongst the Panel Members – refer Conflict of Interest policy.
  - It should engage the expertise of industry specialists. For example, if the complaint is against a Judge or relates to a showing issue, a representative from the Showing and Judging Committee may be asked to join the Integrity Panel or give advice.
  - it is necessary to engage legal services or an external third party to investigate the dispute.
  - If it is appropriate to enact the “user pays” principle. If so, parties to the dispute will be advised of the decision to engage legal services or an external third party prior to the investigation proceeding and requested to sign documentation agreeing to pay costs, or part there-of if they are found to be at fault. If the investigation finds any party to be at fault and the relevant parties fail to pay the associated costs those parties will be suspended from the Association until payment is received.
8. The Integrity Panel is to provide a copy of the allegation made by the complainant to the member against whom the allegation is made (respondent) giving the respondent 14 days, or such longer time as the Integrity Panel determines to provide a written response.
9. Should the respondent fail to provide a written response within the time reasonably allowed by the Integrity Panel, the Panel must prepare a recommendation to the Board based on the allegation to it and any evidence it has been able to obtain in relation to the allegation.
10. Once the respondent has provided a written response to the allegation, where the allegation is that the member has carried out abusive behaviour the Integrity Panel must attempt to resolve the matter by a process of discussion and cooperation where appropriate. In most cases this process will take the form of mediation. The aim is to reach an acceptable outcome to the complainant, the victim of the abusive behaviour (where the complainant is not the person subjected to the abusive behaviour) and the respondent.
  - a. Where the allegation is one of abusive behaviour on the part of a member, before the Integrity Panel prepares a report to the Board setting out its recommendation in relation to the matter, a respondent who has not previously been found to have carried out abusive behaviour in breach of this Code, may acknowledge that his or her behaviour was abusive behaviour, provide a written apology to the victim of that abusive behaviour and accept a warning not to carry out abusive behaviour in the future.
11. The Integrity Panel must ensure that the complainant, the victim of the abusive behaviour (where the complainant is not the person subjected to the abusive behaviour) and the respondent all receive appropriate information, support and assistance in resolving any allegation of abusive behaviour, including psychological counselling as required (user pays). All parties may nominate a support person to assist them with the process.
12. The Integrity Panel may seek assistance in carrying out its role from the Board through the National office and may, where it considers it appropriate, ask for professional assistance in that regard.
13. The Integrity Panel must make a written recommendation to the Board within 14 days of receipt of any written response from the respondent (except where the allegation is the subject of an attempt to resolve the matter by discussion under clause 10, in which case the Integrity Panel must make a written recommendation to the Board within a further 14 days of completion of the discussion process unless the allegation is resolved in accordance with clause 10.1) based on the material submitted to it by the complainant, the respondent, any other person having a reasonable interest or involvement in the matter and any other evidence obtained by the Integrity Panel directly.
14. A written recommendation made by the Integrity Panel to the Board should state whether the Integrity Panel considers that the allegation is well founded or is frivolous, vexatious and

lacking in substance and whether any and if so what disciplinary action should be taken against any and what member(s).

15. A copy of the Integrity Panel's recommendation to the Board must be provided to each of the complainant and the respondent and the Complaint Recipient who referred the allegation to the Integrity Panel.

### **Referral to the Board**

1. Either the complainant or the respondent may dispute the recommendation made by the Integrity Panel to the Board. In that case, the Board must give each of the complainant and the respondent the opportunity to make representations to the Board regarding the allegation of misconduct.
2. Where a recommendation by the Integrity Panel is disputed by either or both of the complainant and the respondent, the Board must re-examine the evidence received or obtained by the Integrity Panel and any additional evidence received or obtained by the Board and make its own finding on the basis of the evidence before it.
3. The decision of the Board will be final and must be issued in writing to the complainant, the respondent and the AAA Official who referred the allegation concerned to the Integrity Panel and, where the decision involves the suspension of membership or expulsion from membership of a party, shall be published in the members' section of the Company website.
4. Handling of a complaint or allegation of misconduct should take no more than 120 days from receipt of the complaint.

### **Disciplinary Action**

#### **Where the misconduct is Abusive Behaviour**

Where the Board, either on its own determination or on recommendation from the Integrity Panel, considers that disciplinary action should be taken in respect of abusive behaviour it may:

- Give the member(s) concerned a warning not to repeat the abusive behaviour and / or direct a written apology to be given;
- Suspend the member(s) concerned from membership for a period of three months;
- Suspend the member(s) concerned for a longer period than three months or indefinitely; or
- Expel the member(s) concerned.
- Generally, unless the behaviour for which a disciplinary sanction is imposed is considered to deserve a greater punishment:
  - a first occurrence of abusive behaviour, where the member who carried out that abusive behaviour acknowledges and apologises for it to the victim, will result in a warning;
  - a second occurrence of abusive behaviour will result in a minimum three-month suspension of membership with a written apology to be given to the victim; and
  - any third or later occurrence of Abusive Behaviour will result in a minimum of a six-month suspension of membership and may merit suspension for a longer period or expulsion from membership of the Association.

In situations where the abusive behaviour relates to a member in a Leadership position within the AAA (Director, Regional President, Chair of a AAA Committee,) the Board has the discretion to impose one of the above sanctions, or a version thereof, outside of the above sequence and / or remove the member from their Leadership role for a specified or indefinite period. Such a decision must have the support of the full Board, or a Board majority if the decision relates to a Director. The recipient of such a decision has the right of appeal to the Board.

#### **Any other kind of misconduct covered by the respective AAA Code of Conduct or in breach of the AAA Constitution, Regulations, Policies, Procedures or Law**

Where the Board, either on its own determination or on recommendation from the Integrity Panel, considers that disciplinary action should be taken in respect of any misconduct other than abusive

behaviour it may, depending on the degree of misconduct concerned and the harm such misconduct may do to another person or the alpaca industry generally, the Board may:

- Give the member(s) concerned either a first or final warning not to repeat the misconduct;
- Suspend the member(s) concerned for a specified or an indefinite period; or
- Expel the member(s) concerned

In situations where the misconduct other than abusive behaviour relates to a member in a Leadership position within the Association (Director, Regional President, Chair of a AAA Committee) the Board has the discretion, in addition to the above, to remove the member from their Leadership role for a specified or an indefinite period. Such a decision must have the support of the full Board, or a Board majority if the decision relates to a Director. The recipient of such a decision has the right of appeal to the Board.

#### **Records of allegations of misconduct**

A record shall be kept at the National Office of all allegations of misconduct referred to the Integrity Panel including the names of the complainant, the respondent, details of the misconduct alleged, the recommendations made by the Integrity Panel and the decision of the Board regarding the allegation. Where a further allegation is made by or against the same member, the record of any earlier allegation may be taken into consideration by the Integrity Panel and the Board.

#### **Repeated or unsubstantiated complaints**

Where a member makes an allegation that is frivolous, vexatious or lacking in substance or makes such allegations repeatedly such conduct may itself constitute misconduct for the purposes of this Code of Conduct.

## **AUTHORISATION**

AAA Board 3 June 2020