



# ANDA ETHICS & GOOD CONDUCT COMPLAINT MEDIATION PROCESS

V1.5; 9/14/05

## 1.0 Context

One of the primary aims of ANDA is to provide the public with confidence in the Australian numismatic industry, and to this end it is a condition of ANDA membership that members abide by the Code of Conduct that is fundamental to the constitution of ANDA.

In the event that either a member of the general public or an ANDA member has a complaint against the conduct of any ANDA member, a fair and amicable process is in place to ensure that the aims of ANDA with regards to the behaviour of its members are upheld.

## 2.0 Members of ANDA Ethics & Good Conduct Committee (E&GCC)

2.1 The ANDA E&GCC consists of three (3) members, each of whom must be a current member of the Association and a current or past member of the Association's General Committee.

2.2 The E&GCC shall be chaired by a past President of the Association.

2.3 The General Committee shall appoint the three (3) members of the E&GCC, each of whom must be either current or past Committee members of the Association.

2.4 The members of the E&GCC shall serve during terms of one (1) year duration, with appointments beginning at each Annual General Meeting of the Association.

2.5 There is no time limit upon tenure on the E&GCC, E&GCC members may be re-nominated if their appointment is uncontested.

## 3.0 Time Frame for Validity of Complaints

3.1 All complaints must be filed in writing and on the prescribed form within 90 days of the occurrence of the event the complaint relates to, or within 90 days of the Complainant becoming aware of the actions giving rise to the complaint.

3.2 In no event shall a complaint be heard relating to an event that has occurred more than two (2) years prior to the complaint being filed.

## 4.0 Persons Covered by ANDA E&GCC

4.1 An ANDA member, being the principal officer(s) of any company shall be responsible for the satisfaction of any complaints submitted to the Association based upon any act or omission by such company or any officer(s), director(s), employee(s) or agent(s) thereof acting on behalf of such company and such principal officer(s) may be expelled or suspended from Association membership by reason of such act or omission, irrespective of whether or not such principal officer(s) has participated therein.

4.2 The term "company" shall include any corporation or partnership or any individual(s) operating under a firm name.

4.3 The term "principal officer" of a company shall mean:

4.3.1 Any officer, manager, partner, owner or part-owner of that company who has authority to cause that company to satisfy a justified complaint;



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4.3.2 Any person who has been designated by that company as one of its officers in any advertisement, communication or other written instrument;

4.3.3 Any person who has agreed to assume responsibility for satisfying the complaint against that company.

### **5.0 Conduct Covered by ANEA E&GCC**

5.1 The following conduct specifically but not exclusively shall be subject to discipline (up to and including expulsion) as provided in Section 8.0:

5.1.1 Committing any unethical act in dealings with others;

5.1.2 Unjustly defaming the character of any other member;

5.1.3 Interfering with the activities of the Association;

5.1.4 Committing a criminal offense;

5.1.5 Engaging in conduct unbecoming a member;

5.1.6 Engaging in conduct prejudicial to the welfare of the Association;

5.1.7 Engaging in conduct which brings disrepute upon the Association;

5.1.8 Violating any of the provisions of these Bylaws or any codes adopted by the General Committee; or

5.1.9 Failing to respond to a complaint made pursuant to the E&GCC.

5.2 The following conduct specifically but not exclusively shall be conclusively deemed to be “conduct unbecoming a member” and “conduct prejudicial to the welfare of the Association” without further proof or evidence:

5.2.1 Selling and / or trading by any member on one (1) or more occasions of counterfeit or altered numismatic items with knowledge as to the lack of authenticity thereof;

5.2.2 Advertising or offering for sale or trade any coin which has been chemically or mechanically altered by means not generally accepted by numismatic standards and which is represented to be of a higher or of a more nearly perfect condition than was the coin prior to its being altered;

5.2.3 Grossly misrepresenting the quality of any numismatic item sold, traded or purchased, irrespective of his/her lack of knowledge as to the quality thereof;

5.2.4 Grossly misrepresenting the quality of any numismatic item sold, traded or purchased, with knowledge as to the quality thereof.

5.3 The selling and/or trading of reproductions or other altered numismatic items generally accepted and collected by numismatists and not in any way misrepresented as genuine shall not be deemed to constitute “conduct unbecoming a member” or “conduct prejudicial to the welfare of the Association.”

5.4 All disputes that have been or currently are the subject of arbitration or civil litigation are not eligible for submission under this process, except to the extent that the complainant’s desired result is the suspension or expulsion of the respondent’s membership from the Association.



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### **6.0 Complaint Submission Requirements:**

- 6.1 A complaint is submitted to the E&GCC in writing by a member of the general public or an ANDA member. This complaint is to state the following:
- 6.1.1 The name and address of the Complainant;
  - 6.1.2 Specific details of the allegations giving rise to the complaint;
  - 6.1.3 Identification of any and all witnesses (if any) with information regarding the complaint;
  - 6.1.4 All documents supporting the complaint;
  - 6.1.5 A statement as to the complainant's desired result; and
  - 6.1.6 The Complainant's signature;
  - 6.1.7 The date of the complaint.
- 6.2 The Association itself may file a complaint against any member for conduct covered by the E&GCC.
- 6.3 Any complaint filed by the Association must be brought within 90 (ninety) days of the Association becoming aware of the conduct giving rise to the complaint.
- 6.4 In no event shall any complaint be brought by the Association more than two (2) years after the conduct complained of having occurred.
- 6.5 In the event that the Association files a complaint, the Secretary / President or his/ her designee shall act on behalf of the Association as the Complainant.

### **7.0 Complaint Review Process:**

- 7.1 The E&GCC reviews the complaint, and determines if the Respondent's alleged conduct falls within the range covered by it, and if the complaint has been lodged within the specified time frame.
- 7.2 If the E&GCC determines that the complaint does not meet the required criteria, the complainant is notified of the reason of the committee's ruling, and that no further action will be taken.
- 7.3 If the E&GCC determines that the complaint does meet the required criteria, the E&GCC will forward a copy of the complaint and all supporting documents to the Respondent within 14 days of receipt by the E&GCC of a properly completed complaint.
- 7.4 A copy of this process description shall accompany the complaint and shall serve to advise the Respondent of their rights throughout the process and of the possible consequences of disciplinary action.
- 7.5 The complaint & documentation may be sent by any form of reasonable delivery provided that a return receipt or other acknowledgment of receipt is obtained.
- 7.6 The Respondent shall provide the E&GCC a response to the complaint within 14 days of receipt of the complaint.
- 7.7 The response may be sent by any form of reasonable delivery provided that a return receipt or other acknowledgment of receipt is obtained.
- 7.8 The response must contain:
- 7.8.1 The name and address of the Respondent;



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- 7.8.2 A detailed response to the allegations of the complaint;
- 7.8.3 Identification of any and all witnesses, if any, with information regarding the complaint or response;
- 7.8.4 All documents supporting the response; and
- 7.8.5 The Respondent's signature.
- 7.9 If the explanation is not received in writing from the member within 14 days, a letter of warning is sent to the ANDA member concerned.
- 7.10 The member is still required to provide an explanation to the E&GCC within 28 days of the original request.
- 7.11 If an explanation is still not received, the ANDA member is suspended until further notice and the complaint is referred to the General Committee for consideration.
- 7.12 Once the ANDA member's response has been received, the E&GCC will determine if action is needed against the member.
- 7.13 Within 30 days of the consideration of an explanation by the respondent, the E&GCC shall render a written decision on the complaint.
- 8.0 Disciplinary Measures Available to the E&GCC**
- 8.1 The E&GCC has the authority to impose any discipline it deems appropriate, excluding suspension or expulsion of a Respondent's membership.
- 8.2 The E&GCC may issue letters of warning; order restitution or the return of numismatic materials; direct that an offending member take part in an ANDA-designed professional development training program (once available), or fashion any other discipline it deems appropriate.
- 8.3 If the E&GCC believes that suspension or expulsion from Association membership is appropriate, the E&GCC shall, in its written decision, make such a recommendation to the General Committee.
- 8.4 All discipline authorized to be imposed by the E&GCC shall become effective immediately.
- 8.5 If the EG&C Committee determines that no action is warranted, the complainant is notified that no further action will be taken.
- 8.6 If the E&GCC determines that any action is warranted, the complainant is notified of the E&GCC's decision once that action has been taken.
- 8.7 The E&GCC will notify the General Committee that action has been taken, however it will not communicate any of the specifics of the complaint.
- 9.0 Appeals Process**
- 9.1 Any party to a complaint under this process who is dissatisfied with the decision of the E&GCC may appeal the E&GCC's decision to the ANDA General Committee.
- 9.2 Any appeal of an E&GCC decision must be sent by the appealing party to the Association's Secretary within 14 days of receipt of the E&GCC's decision.



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- 9.3 Appeals filed outside the above timeframe will not be heard, and the E&GCC's decision shall be final and binding on all parties to the complaint.
- 9.4 The appeal must state:
- 9.4.1 The specific basis for the appeal;
  - 9.4.2 The reason the appealing party disagrees with the E&GCC's decision;
- and
- 9.4.3 The specific result requested by the appealing party.
- 9.5 Within 14 days of receipt of an appeal, the Association shall provide a copy of the appeal to all parties to the complaint. The appeal may be sent by any form of reasonable delivery provided that a return receipt or other acknowledgment of receipt is obtained.
- 9.6 Any non-appealing party may submit a response to the appeal within 14 days of receipt of the appeal.
- 9.7 All materials provided as a part of the E&GCC's decision as well as all appeal submissions will be provided to the Association's General Committee.
- 9.8 The General Committee shall consider appeals of E&GCC decisions during their regularly scheduled meetings.
- 9.9 The General Committee will not conduct new hearings but rather will only hear argument from the parties to the appeal.
- 9.10 Within 30 days of the consideration of an appeal, the General Committee shall render a written decision on the appeal.
- 9.11 The General Committee decision shall be provided to the parties to the appeal.
- 9.12 The General Committee decision may be provided by any form of reasonable delivery provided that a return receipt or other acknowledgment of receipt is obtained.
- 9.13 The General Committee decision may affirm, modify or reverse the decision of the E&GCC and may affirm, modify or reverse any discipline imposed by the E&GCC, all at their sole discretion.
- 9.14 The General Committee decision shall be final and binding on the parties to the appeal. The parties to the complaint and the appeal shall have no further recourse with regard to the complaint.
- 10.0 Repeated Complaints Against The Same Member**
- 10.1 In the event of a subsequent complaint being made against a member that has been previously issued a letter of warning by the E&GCC, the following will occur:
- 10.2 Information from both parties is received in the same manner and with the same speed as an initial complaint.
- 10.3 After the receipt of submissions from both parties concerned and if sufficient information is available, the E&GCC will deliberate, arrive at a decision and forward all information (including the initial complaint and response, together with a recommended course of action) to the General Committee. The complaint will then form an agenda item for the next meeting of the General Committee.



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### **11.0 Disciplinary Measures Available to the General Committee**

11.1 The General Committee has the authority to impose any discipline it deems appropriate, including suspension or revocation of a Respondent's membership.

11.2 The General Committee may issue letters of warning, order restitution or the return of numismatic materials, or fashion any other discipline it deems appropriate.

11.3 If the General Committee determines that no action is warranted, the complainant is notified that no further action will be taken.

11.4 If the General Committee determines that action is warranted, the relevant action is to have immediate effect and the complainant is notified of the General Committee's decision.

11.5 The General Committee decision may affirm, modify or reject the decision of the E&GCC and may affirm, modify or reject any discipline imposed by the E&GCC, all at their sole discretion.

11.6 The General Committee decision shall be final and binding on the parties to the appeal. The parties to the complaint and the appeal shall have no further recourse with regard to the complaint.

11.7 Within 30 days of the consideration of a complaint referred by the E&GCC under Section 10.0, the General Committee shall render a written decision on the recommendation.

### **12.0 Process of Suspension of Membership or Expulsion**

12.1 When the General Committee receives a recommendation from the E&GCC for the suspension or expulsion of a member, the recommendation must state the following:

12.1.1 The name and address of the Complainant;

12.1.2 Specific details of the allegations giving rise to the complaint;

12.1.3 Identification of any and all witnesses (if any) with information regarding the complaint;

12.1.4 All documents supporting the complaint (as supplied by the complainant);

12.1.5 A copy of the response (if any) supplied by the Respondent under either Sections 7.6 or 7.10;

12.1.6 A written copy of any appeal made by the respondent under Section 9.0;

12.1.7 The specific basis for the E&GCC's recommendation;

12.1.8 The Chair of the E&GCC's signature.

12.2 The General Committee shall then confirm that the Respondent's alleged conduct meets the specified criteria:

12.2.1 The member's alleged conduct must fall within that covered by Section 5.0;

12.2.2 The complaint must be received within the relevant timeframe stated in Section 3.0;



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12.3 Within 30 days of the consideration of a recommendation by the E&GCC, the General Committee shall render a written decision on the recommendation.