



**RACP**  
Specialists. Together  
EDUCATE ADVOCATE INNOVATE

## **BY-LAW**

# **COLLEGE STANDARDS COMMITTEE**

# CONTENTS

1. INTRODUCTION AND PURPOSE .....	2
2. DEFINITIONS.....	2
3. FUNCTIONS OF THE CSC .....	3
4. MEMBERSHIP OF THE CSC.....	3
5. TERM OF APPOINTMENT .....	3
6. MEETINGS.....	4
7. PROCESS FOR INVESTIGATING REPORTS.....	4
8. CONFIDENTIALITY .....	6

## 1. INTRODUCTION AND PURPOSE

The Board has established the CSC to investigate and provide recommendations regarding reports of breaches and suspected breaches of the Code by the College's Directors and Members that may be referred by the President (or the President Elect) or CEO (if the Report is from an employee) from time to time.

The purpose of this By-Law is to provide for the constitution of the CSC and to set out a process for resolving such reports, including conducting investigations and making recommendations to the Board.

## 2. DEFINITIONS

The following definitions apply unless the context requires otherwise.

**'Board'** means the Board of Directors of the College.

**'CEO'** means the Chief Executive Officer of the College.

**'Code'** means the College Code of Conduct.

**'College'** means The Royal Australasian College of Physicians (ACN 000 039 047), an incorporated body limited by guarantee.

**'College Body'** means:

- (a) the Council of each Division or Faculty of the College;
- (b) the Committee of each Chapter formed within a Division or Faculty;
- (c) each Board Committee;
- (d) each Committee, sub-committee, working group, expert advisory group or other sub-group formed under the auspices of any of the above, whether or not limited in time or purpose.

**'CSC'** means the College Standards Committee.

**'Member'** has the same meaning as defined in the College's Constitution.

**'Report'** for the purposes of this By-Law means a matter referred to the CSC in accordance with clause 5.2 of the Code.

**'Reporter'** means the Member or Director who makes the report.

**'Subject'** means the Member(s) or Director(s) against whom the report is made.

### **3. FUNCTIONS OF THE CSC**

3.1 The functions of the CSC are to:

- (a) investigate Reports;
- (b) make recommendations to the Board regarding the appropriate response to a Report, including any disciplinary measures;
- (c) recommend any amendments to this By-Law or the Code as a result of the consideration of any Report to maintain currency and consistency of the College's operations and activities with expected standards of behaviour; and
- (d) in all the circumstances, uphold the standards of behaviour set out in the Code.

3.2 All Directors, Members and employees must make themselves available and fully cooperate with the CSC in respect of the conduct of any investigation, hearing or other process undertaken by the CSC in accordance with this By-Law, including providing any information or other assistance that may be requested by the CSC.

3.3 The CSC is a recommending body only and it is not empowered to impose any sanction or to take any disciplinary or other action in respect of the outcome of an investigation.

### **4. MEMBERSHIP OF THE CSC**

4.1 The CSC shall comprise three members, appointed by the Board, as follows:

- (a) a Director of the Board;
- (b) a past President of the College; and
- (c) an external legal professional.

4.2 The Board will appoint one of the members as Chairman of the CSC.

4.3 In the event that a CSC member is, or may be perceived to be, conflicted or otherwise unable to participate in any deliberations of the CSC, the Board will appoint an alternate person to act on their behalf.

### **5. TERM OF APPOINTMENT**

The Board will appoint the members of CSC on such terms and for such tenure as the Board determines.

## **6. MEETINGS**

- 6.1 The CSC will meet on such occasions as deemed necessary by the Chairman for the CSC to perform its functions.
- 6.2 The quorum for any meeting, including any meeting where a recommendation is made under clause 7, is 3 members. The procedure at each meeting will be determined by the Chairman of the CSC.
- 6.3 The Company Secretary of the College, or such other person delegated by the Company Secretary in consultation with the Chairman of the CSC, or approved by the Board, shall provide secretarial services to and attend all meetings of the CSC and will prepare minutes of those meetings and provide such other support as requested by the Chairman.

## **7. PROCESS FOR INVESTIGATING REPORTS**

### **Investigation**

- 7.1 The CSC has authority to investigate any Report and make recommendations to the Board in relation to its investigation.
- 7.2 The CSC controls the entire conduct of its investigation, and it:
- (a) is not bound by the rules of evidence and is entitled to consider all relevant information as it thinks fit;
  - (b) may invite any person to appear before it or to provide information;
  - (c) may determine whether or not it accepts the evidence of a party or of any witness;
  - (d) may draw reasonable inferences from the evidence provided;
  - (e) may elect to hold or not hold a formal hearing of any Report; and
  - (f) may seek further information from any source to assist in its deliberations.
- 7.3 No person (including the Reporter or the Subject) has the right to attend or appear before the CSC, to call or cross examine witnesses, to make submissions to or to be legally represented before the CSC.
- 7.4 A person who is, in the opinion of the CSC, likely to be the subject to an adverse finding by it will be given written particulars of the allegations made, and will be given the opportunity to respond to those allegations in writing.
- 7.5 The CSC may, in its sole discretion, request that a person appear before the CSC where the CSC considers it necessary, including to:
- (a) clarify any facts and circumstances arising from a Report;

- (b) resolve inconsistent statements made in relation to a Report; or
- (c) inform itself of other matters relating to a Report.

7.6 If the CSC considers it necessary for a person to appear before it, then as soon as practicable prior to the appearance, the Secretary of the CSC will advise that person of:

- (a) the date, time, place and purpose of the appearance; and
- (b) their right to be accompanied by a support person.

### **Recommendation**

7.7 Following its investigation into a Report, the CSC will make a recommendation to the Board. The CSC's recommendation is non-binding and the CSC has no power to make any decision in relation to a Report, including to impose a sanction or disciplinary action on a Subject or to take any other action in respect of the outcome of an investigation.

7.8 Although decisions of the CSC are by agreement of the majority, any dissent from a recommendation to the Board and the reasons for that dissent will be noted in the recommendation provided.

7.9 A recommendation of the CSC is not subject to appeal, reconsideration or review under the College's Reconsideration, Review and Appeals By law.

### **Reporting to the Board**

7.10 The CSC will provide its recommendation regarding a Report in writing to the President for consideration by the Board, or in the case of an emergency, the Board Executive.

7.11 If the President is conflicted, or is the Subject of the Report, the CSC will provide its recommendations to the President-Elect; or if both are conflicted, a director of the College nominated by the Board.

### **Action by the Board**

7.12 The Board may accept and act upon all or part of a recommendation of the CSC as it sees fit, subject to the provisions of the College Constitution.

7.13 A decision of the Board following a recommendation of the CSC:

- (a) will be provided to the Subject and any other person adversely affected by the decision; and
- (b) may be provided to the Reporter, at the sole discretion of the Board.

7.14 A decision of the Board following a recommendation of the CSC is not subject to appeal, reconsideration or review under the College's Reconsideration, Review and Appeals Process.

## **8. CONFIDENTIALITY**

8.1 The College is committed to protecting those individuals who, in good faith and with reasonable grounds, report suspected breaches of the Code and cooperate with the Board, the CSC and any person involved in the investigation of the Report. The College prohibits anyone from acting in a way that penalises or victimises a person who makes a Report. This includes any reprimand, reprisal, change in responsibilities, change in membership amenities, change in reporting requirements, damage to career prospects or reputation, threats to do any of these or deliberate omissions that have the effect of penalizing the person.

8.2 Subject to this clause 8 and clause 7.11, all aspects of the CSC's investigation are confidential. No person (including a Reporter) may disclose:

- (a) any information provided to the CSC;
- (b) any written or auditory record of the CSC's proceedings; and
- (c) any recommendation made by the CSC to the Board.

8.3 There may be occasions where a recommendation of the CSC may have direct relevance and ramifications beyond the original suspected breach of the Code. In such instances, where it is considered necessary for a College process, procedure or policy to be altered as a result of the CSC's recommendation, the Board may resolve that, the recommendation of the CSC, together with a summary of the reasons for the recommendation that are considered to be of direct relevance may be conveyed to such individuals or College Bodies as is considered necessary, provided that the information conveyed is first "de-identified" to protect the confidentiality of the individuals involved in the matter or the CSC's processes.

**By-Law History as from May 2013**

**Commencement of By-Law**

This By-Law was approved by the Board of the College on 25 May 2013 and commenced on that date.

**Subsequent amendments to By-Law**

Item	Amendment	Commenced