

## Process for Handling Complaints Against ORS Members

### 1 Introduction

This disciplinary process applies in the event of any formal allegation or complaint by a member or non-member of the Operational Research Society ('the OR Society') against one or more of the Society's members. For an allegation or complaint to fall within the scope of this process it must concern a potential breach of the OR Society's Code of Professional Conduct, rules, regulations or procedures.

The Executive Director of the OR Society ('the Executive Director') has the primary responsibility for managing this process. If, however, the Executive Director has any conflict of interest, perceived or actual, with respect to the content of the complaint or the member(s) complained of, then another senior member of the Society's staff could take the role and responsibilities given to the Executive Director below.

### 2 The Investigation Process

On receipt of a written complaint or allegation by a member or non-member of the OR Society (the 'Complainant') against one or more of the Society's members (the 'Respondent(s)'), the Executive Director will identify two independent investigators to determine whether there is a case to answer – that is:

- Whether the matter complained of does constitute a breach of the Society's Code of Professional Conduct, rules, regulations or procedures;
- It is a non-trivial matter; and
- There is, or could be, sufficient evidence to support the complaint.

The independent investigators should be Fellows of the OR Society, General Council members, or otherwise persons of standing within the OR profession. They should have no conflict of interest, perceived or actual, with respect to the content of the complaint or the member(s) complained of.

The independent investigators should document their relevant decisions in writing, setting out the reasons for these decisions.

The independent investigators should review the complaint and any supporting documentation. If they decide that the complaint is trivial, or that there is no evidence to support it, or that the matter complained of does not in fact represent a breach of the OR Society's Code of Professional Conduct, rules, regulations or procedures, then the complaint will be dismissed, and the Complainant notified by the Executive Director.

In all other cases, the Respondent(s) will be notified of the nature, particulars, and source of the complaint, and that this is subject to a preliminary investigation. The Respondent(s) will be invited to submit a written response, within 10 days (or longer if so decided by the investigators). The investigators may also ask for additional details or evidence from the Complainant, at their discretion.

The Executive Director will convene a Disciplinary Committee, consisting of three to five members depending on the complexity of the case, with one of them appointed as Chair. Each Disciplinary Committee member should be a Fellow of the OR Society, and/or an OR Society General Council member, and/or otherwise a person of standing within the OR or similar profession. Normally there should be one independent Disciplinary Committee member from outside the OR Society membership. The Disciplinary Committee members should have no conflict of interest, perceived or actual, with respect to the content of the complaint or the member(s) complained of.

The independent investigators will submit a report to the Disciplinary Committee, making one of three recommendations:

- There is no case to answer;
- There is evidence of a breach of the OR Society's Code of Professional Conduct, rules, regulations or processes, but that rather than invoking the disciplinary procedure, it may be more appropriate to facilitate mediation, conciliation or another form of alternative dispute resolution. In this case the procedure adopted shall be at the discretion of the Committee, except where specified below; or
- That it is necessary to invoke the full disciplinary process.

The Disciplinary Committee shall have a duty to act fairly, in the interests of natural justice, and shall have regard to this in deciding what evidence to collect, what witnesses to call, how much notice to give, how to proceed in the absence of response from any party, and whether to have an oral hearing. All the Committee's decisions should be documented, setting out the reasons for these decisions.

If the independent investigators have recommended that there is no case to answer, or that there is evidence a breach of the OR Society's Code of Professional Conduct, rules, regulations or processes best addressed by mediation, conciliation, or another form of alternative resolution, the Committee will convene to review those recommendations:

- If it agrees that there is no case to answer, then the complaint will be dismissed, and the Complainant and Respondent(s) notified by the Executive Director.
- If it agrees that there is evidence of a breach of the OR Society's Code of Professional Conduct, rules, regulations or processes best addressed by mediation, conciliation or another form of alternative resolution, the Chair should ascertain via the Executive Director that this is acceptable to the Complainant and the Respondent(s), and



oversee the appointment of an appropriately experienced Professional member to facilitate resolution by the agreed method. If resolution is achieved, no further action will be taken. If the process is unsuccessful, then the disciplinary procedure will be resumed.

- If it does not agree with the independent investigators' recommendations, it will move to the full disciplinary procedure (next paragraph).
- If the independent investigators have recommended that the full disciplinary procedure should be invoked, or if mediation or conciliation has been unsuccessful, or if the Disciplinary Committee has agreed that it should move to the full disciplinary procedure, then the Disciplinary Committee will convene to discuss its procedure (including what evidence to review or collect, what witnesses to call on, how much notice to give, how to proceed in the absence of responses, whether to have an oral hearing, and how to conduct its meetings and hearings). It will also convene as necessary, to hear the charge, to examine the evidence, to question any witnesses, to conclude whether the charge is proven, and if so, to decide what sanction is appropriate.

At any meeting where the Disciplinary Committee is hearing the charge, examining the evidence and questioning witnesses, this should be in the presence of all parties (even if only electronically). All parties should have the opportunity to be examined by the Disciplinary Committee and to cross-examine each other. Respondent(s) will be given the opportunity of bringing a friend or adviser to the Disciplinary Committee hearing if wished.

The decision of the Disciplinary Committee should be reached by simple majority, with the Chair having a casting vote if necessary.

The decision should be in writing and set out the Disciplinary Committee's reasons for the decision. It is binding on all members of the Committee. Nonetheless any dissenting opinions may be recorded as part of the document, if a dissenter so wishes.

The Disciplinary Committee may reach any of the following conclusions:

- Dismiss the allegation in full or in part
- Admonish one or more of the Respondents with advice as to future professional activity (this will take the form of a written admonition sent by the Chair of the Disciplinary Committee to the Respondent(s))
- Reprimand one or more of the Respondents and require /them to indicate, in writing, agreement to follow a specific course of action and/or to give a written undertaking with respect to his/her/their future conduct
- Recommend to the OR Society Board the termination of one or more of the Respondents' OR Society membership, in line with the OR Society constitution.

The Disciplinary Committee shall determine the extent of the publicity to be given to the result of its proceedings. It must in any event communicate fully its findings to the Respondent(s), the Complainant and to any appropriate regulatory body.

In addition, the Disciplinary Committee may choose to make observations and recommendations to the OR Society Board on matters arising from the investigation and its conclusions.

### 3 Appeal

An appeal by the Respondent(s) or Complainant may be made to the OR Society, to be lodged with the Executive Director within one calendar month of their being notified of the outcome. The appeal may only be against termination of OR Society membership or a specific course of action required.

The appeal must include a written statement of grounds on which the finding or sanction may be varied. These grounds are limited to:

- Procedural impropriety;
- Unreasonable sanction; or
- Further significant evidence that the appellant could not reasonably have made available to the Disciplinary Committee.

Any appeal will be heard by a specially-convened Appeals Committee to be chaired by the OR Society President, Past President, President Elect or another Board Member. This Committee will have up to a further three members of the OR Society and up to one further independent member. No member of the Appeal Committee will have been previously involved in the complaint, or have any real or perceived conflict of interest.

The Appeal Committee will consider the written grounds for the appeal. It will have the power to direct that the case be reheard, to quash the findings of the Disciplinary Committee, to cancel or vary the sanction of the Disciplinary Committee, or to dismiss the appeal.

The decision of the Appeals Committee will be in writing and set out the reasons for it. The Executive Director will transmit the decision to all parties within 10 working days of receiving it. No further appeal will be considered.

## 4 Costs

The OR Society will not charge for its own costs, and will cover the expenses of all Disciplinary Committee and Appeals Committee members appointed by the OR Society in line with its normal expenses policy. It will refund travel expenses for witnesses invited by the Disciplinary Committee to hearings. It may agree to refund reasonable travel expenses for Complainant and Respondent to attend an Appeal hearing. It will not refund any other costs, and the Complainant and Respondent will bear their own further costs, if any.

## 5 Retention of records

The Executive Director will retain in a confidential and secure manner all pertinent records regarding the complaint. The retention period will be ten years after which the records regarding the complaint may be destroyed. All documents pertaining to disciplinary investigations are the property of the OR Society.