

# Guidance: Cooperating with the ERCs

July 2024

## All members must cooperate with the ERC

All Audiology Australia (AudA), Australian College of Audiology (ACAud) Inc. HAASA members must cooperate with the Ethics Review Committee (ERC) in the consideration, investigation and hearing of complaints according to the Complaints Management and Resolution Procedure. Failure to cooperate fully and professionally with the ERC is a breach of Standard 1.2b in the [Code of Conduct](#). Breaches of the Code of Conduct by members may result in the ERC recommending to the Board of AudA or ACAud Inc. HAASA that:

- The member is formally warned and reprimanded
- The member is required to undergo mediation, counselling or further education or training in relation to a particular issue or area
- The member is placed on probation for a specified period of time which may include a period of supervised practice, a restriction on the practice areas or types of clients the member is permitted to consult
- The member is suspended for a specified period of time in accordance with the constitution of AudA or ACAud Inc. HAASA
- The member's membership and/or eligibility for membership is terminated or cancelled in accordance with the constitution of AudA or ACAud Inc. HAASA

**Cooperation with the ERC includes providing any documentation or other evidence requested by the ERC and communicating with the ERC in a respectful and professional manner.**

The ERC has an obligation to consider all complaints made in an objective manner, regardless of who is making the complaint and the nature of the complaint. That is, the ERC is not working for or against either party in a complaint. Unlike the adversarial system (used by courts of law) where parties who are conflicted provide evidence to be adjudicated upon, the role of the ERC is inquisitorial. The ERC considers all information provided and it is the role and responsibility of the ERC to make its own judgment about the quality and level of evidence that has been provided by both parties to the complaint and to request further information as and when is considered appropriate in accordance with the Complaints Procedure.

The ERC is aware that having a complaint made against them can be a very stressful period for a practitioner. The Ethics Officer is there to support both the respondent and the complainant through this process by:

- acting as the primary point of contact for respondents and complainants
- forwarding communications and documents between the ERC, the complainant and the respondent
- documenting and maintaining records of complaints, and
- answering questions about the Complaints Management and Resolution Process.

**If a complaint has been made against you and you are unsure, nervous or have any questions about the Complaints Management and Resolution Procedure and work of the ERC, please do not hesitate to contact the Ethics Officer and ask questions.** If needed, the Ethics Officer can forward your questions and/or concerns to the ERC for their consideration and response. The Ethics Officer can be contacted at [ethics@auderc.org.au](mailto:ethics@auderc.org.au) or (03) 9940 3911.

Most of the complaints the ERC has considered and closed to date have been able to be resolved informally through a dialogue between the complainant, respondent, and ERC Chair without the need to proceed to a formal Hearing and Investigation. The ability to resolve a complaint informally has relied upon the cooperation and professional conduct of the respondents. In one case, the respondent initially refused to cooperate with the process and provide the information requested by the ERC. This resulted in the complaint taking a long time to be resolved and escalating unnecessarily. Furthermore, the ERC determined that the respondent would be in breach of Standard 1(2a) in the Code of Conduct if they did not cooperate. The respondent then cooperated with the ERC and the complaint was resolved and closed within a week.