

Professional Standards and Ethical Conduct Enforcement Violations by Members

Process of treating complaints

Complaints of alleged unethical behaviour may be filed by another member or by a customer against an MSPA member who is suspected to have violated the Code of Professional Standards and Ethics Agreement.

Ownership - The Governor is the owner of the process and the first point of contact for a complaint. An appointed Ethics Committee composed of elected MSPA board members, without a vested interest, with minimum 4 board members plus the President (or the Vice-President in case of vested interest of the President), reviews the complaint in case of escalation.

Entry to process

All complaints must be in writing using the MSPA current form and documented with evidence. Submitted to the Executive Director or the Governor who notifies the complainant of receipt (<http://www.mspa-eu.org/en/ethics.html>).

Stage 1 – Agreement to proceed to review

The Governor researches the nature of complaint with all effected parties. He has the authority to reject a complaint for the following reasons:-

- Insufficient evidence,
 - Not seen as a legitimate complaint based on the published Code of Ethics.
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- The complaint must be received no later than 30 days from the date of discovery of the alleged improper conduct.
 - The Governor immediately notifies the complainant of receipt.
 - The Governor sets up a date for a phone interview of the complainant within the next 5 working days to review and more document the complaint if necessary.
 - The Governor reviews the complaint and ascertains if the materials constitute evidence of a violation against the published Code of Ethics, within 15 working days.
 - If the materials do not show evidence of a violation, the Governor notifies the complainant and a copy is sent to the President and Executive Director.
 - In the opposite case the Governor begins a detailed investigation by notifying the person against which the complaint has been lodged (responding party) of the alleged violation and requests a written response to the allegation within 30 days.
 - The Governor receives the responding party's response and immediately notifies the responding party of receipt.
 - If the materials do not show evidence of a violation, the Governor notifies both parties and a copy is sent to the President and Executive Director, to be filed.
 - in the opposite case, the complaint is added as an agenda item at the next meeting of MSPA board, to be reviewed by the Ethics Committee.

Stage 2 – Complaint escalation

There are three levels of sanctions for violations:-

1. Censure (issuance of a strong official disapproval statement).
2. Suspension for a determined time period (bar from normal membership privileges, such as advertising through MSPA publications or participation in MSPA programs/events).
3. Expulsion from membership in the Association (permanent loss of membership).

Sanction will be determined by the Ethics Committee on a case-by-case basis, and will depend on the severity, nature, and number of the violations. Also considered will be whether such violations constitute a pattern that establishes the member to be incapable or unwilling to comply with the Code.

Complaint escalation is progressed as follows:-

- The Ethics Committee meets at the next meeting of the MSPA board,
- The evidence is presented by the Governor to the Ethics Committee,
- The Ethics Committee vote to uphold or otherwise,
- In the event of the complaint being upheld the Ethics Committee votes to determine the severity of the complaint and proceeds: either calling the responding party and offering suggestions and resolutions to resolve the complaint or deciding to censure, suspend, or expel a member.
- In the event of tied vote the President has the casting vote.
- The outcome of stage 2 is communicated by the Governor to all effected parties. Copies are filed by the MSPA administration office.

Stage 3 – Complaint resolution

In the event of the complaint being upheld the following actions are taken:-

- Sanction is applied to those effected,
- The names of members who have been suspended or expelled are published in MSPA media for a period of up to one year, with reference to part of the Ethics breached.
- Membership database in all markets are updated consequently.

Stage 4 – Right of appeal

Right of appeal: The Ethics Committee offers the effected parties the opportunity to have an objective arbitrator hear the complaint if no satisfactory resolution can be obtained informally.

The arbitrator is selected from the MSPA Europe board and past Presidents, without vested interest.

The process is applied one time only.