



MSRA Code of Ethics Disciplinary Procedure

Preamble: MSRA Ethics Principles

MSRA provides a professional and active forum for its members to promote best practice in marketing and social research while advancing professional research as an effective decision-making tool for stakeholders and industry players across Africa. It provides a platform to bring together professionals interested in building a world-class marketing research industry in Africa.

This document prepared by MSRA, details the guiding principles for the Code of Ethics, as well as the disciplinary procedures that shall be followed in all reported cases of breach of ethics.

Key Principles

All the core fundamental principles of the MSRA Code of Ethics apply to any research activity conducted by the members and representatives of MSRA. The following key principles guide our Code of Ethics.

1. **REPUTATION:** MSRA Members and Representatives, regardless of experience or position shall always, ensure that their actions reflect positively upon the research industry. Neither MSRA Members nor Representatives shall undertake any action that shall bring the reputation of the research industry into question or disrepute.
2. **RESPECT FOR RULES:** MSRA Members and Representatives shall act in accordance with all applicable laws, regulations and industry standards. No Member or Representative undertakes, or assist another to undertake any action, which violates applicable laws, regulations or industry standards that are present in their jurisdiction of operations.
3. **RESPECT FOR PERSONS:** MSRA Members and Representatives ensure that their dealings with others shall foster mutual trust and respect. The members and representatives of the MSRA shall not behave in a manner that is prejudicial or discriminatory and shall withhold respect for all persons (including children) at all times. The welfare of the children shall always be an overriding consideration and they shall not be disturbed or harmed by the research experience. The protection of children and vulnerable persons – such as persons with disability shall be of paramount importance in the research process.
4. **CONFIDENTIALITY:** MSRA Members and Representatives shall protect all information that is sensitive, confidential or private from misuse either from themselves or from misuse by other persons. An MSRA Member or Representative shall only use or disclose such information for the purposes for which it was collected or as a permissible secondary use with the express authority from the owner of that information; unless this information is in the public domain (and is properly cited as so) or unless the disclosure is otherwise required by law.
5. **HONESTY:** MSRA Members and Representatives shall at all times remain truthful in their dealings with clients and with other relevant stakeholders, even when that may be difficult or possibly result in loss of business.
6. **FAIRNESS:** MSRA Members and Representatives shall conduct business in a manner that is objective and impartial. Fairness requires the member or representative managing one's own prejudices and self-interests to ensure that biases or conflicts do not compromise professional conduct.
7. **CONFLICT OF INTEREST:** MSRA Members and Representatives shall be sensitive to potential conflicts of interest; and as such, shall disclose conflict of interest and/or shall remove themselves from a transaction where they foresee potential conflict of interest. Members and



Representatives shall not misuse confidential information they acquire by virtue of their position for personal or corporate gain.

8. **COMPETENCY:** MSRA Members and Representatives shall employ suitably trained researchers and make appropriate use of technical skills and knowledge. It is expected that members and representatives of the MSRA shall continuously improve upon their skills and take care not to over-claim on their competencies.
9. **RESPONSIBILITY FOR ACTIONS:** MSRA Members and Representatives shall accept responsibility for their decisions, their actions or inactions and the consequences thereof.
10. **POLITICAL NEUTRALITY:** MSRA Members and Representatives shall avoid situations that create the perception of being partisan. They shall refrain from activities that may compromise or be seen to compromise their neutrality in their dealings.
11. **RESPECT FOR INTELLECTUAL PROPERTY:** MSRA Members and Representatives shall honour patents, copyrights, and other forms of intellectual property rights. This includes, but is not limited to, proprietary data, confidential company information, branding, templates and marketing material, provided that this is obtained without payment or permission from the proprietary owner.
12. **CORRUPTION PREVENTION:** MSRA Members and Representatives shall not directly or indirectly accept, offer, pay, or solicit bribes in any form in their dealings.

Breach of Code of Ethics

Complaints in relation to breach of Code of Ethics by a member may be raised in writing to the Ethics Disciplinary Committee (hereafter referred to as the EDC). Such complaints shall be handled by MSRA Ethics Disciplinary Committee Based on the following guidelines.

1. Composition of EDC

EDC shall be made up of six members comprising:

1. The Board Chair
2. The Ethics Committee Chair
3. Four Council Members other than Board Chair and Ethics Committee Chair

Resolutions of EDC shall be determined through a vote by EDC members, provided that the quorum for such a vote meets these criteria:

1. Presence of either the Board Chair or the Ethics Chair;
2. Presence of at least two Council Members other than Board Chair and Ethics Committee Chair
3. Either Chair shall have a casting vote

2. Complaint Procedure

a. Step 1 –

1. Complainant will forward complaint to EDC in writing or email ethics@msra.or.ke
2. Within 14 days, a representative of EDC will contact the complainant and where suitable propose an informal mediation to which the complainant either agrees to or else proceeds to fill a formal case to EDC for adjudication



3. In case the complainant does not agree to the formal mediation or is not satisfied with the outcome thereof, the complainant may file a formal case to EDC by submitting evidence and paying the filing charge of KSh10,000 as a corporate entity or KSh1,500 as an individual
- b. **Step 2** – Upon receiving the complaint, the EDC shall have a maximum of 35 days to review the complaint and evidence submitted to determine if it is sufficient to proceed to hearing. If the evidence is determined not to be sufficient to proceed to hearing, EDC shall write to both parties informing them accordingly, and calling for additional evidence.
 - c. **Step 3** – Once EDC is satisfied the evidence is sufficient, it shall call for a hearing with the accused party being present if they are members of MSRA. Where cases have been levelled against non-members, the EDC shall write a letter notifying the agency of the allegation brought against them and offer its assistance in establishing compliance. EDC shall not handle cases levelled against non-MSRA individuals.
 - d. **Step 4** - after the hearing, the EDC shall take a maximum of 35 days to make judgement on the matter or call for additional hearing(s) if required. EDC shall decide accordingly how to schedule such additional hearings, and/or submission of further evidence, provided the matter is concluded within maximum 90 days from first hearing.
 - e. **Step 5** – upon determination of the case, EDC shall within 35 days write to both parties informing them of the judgement made.
 - f. **Step 6** - The Complainant and defendant (accused) shall have a right of appeal to the judgment if they deem it necessary. They shall have 14 days from day of judgement to submit an appeal in writing to MSRA Secretariat.
If an appeal is not filed within 14 days of a decision being made by the EDC, that decision/judgement will be deemed final and binding to both parties to the complaint.
 - g. **Step 7** – The EDC shall report to MSRA Council on its recommendations following the judgment and recommend disciplinary actions as guided by Disciplinary Actions section and as guided by local rules and legislations. Where an appeal was submitted in Step 5, the MSRA Secretariat shall table the corresponding appeal to the MSRA Council for consideration alongside the EDC judgement. The Council shall then determine if to uphold the EDC judgement or uphold the appeal. A decision on appeal shall be by a simple majority vote of Council Members present in the Council Meeting.
 - h. **Step 8** – if the party filing the complaint is successful, the complainant shall be refunded the filing fee. If the case is unsuccessful, the complainant shall forfeit the filing fee in its entirety.
 - i. **All EDC final decisions shall be communicated to MSRA Council.**

3. EDC Responsibilities and Obligations

1. All complaints shall be submitted in writing to ethics@msra.or.ke
2. EDC members shall hear and make determination on complaints brought before it and make recommendation on action to be taken.
3. Where a complaint involves an individual or corporate member of EDC, the member shall disqualify himself/herself from participating in EDC handling of the complaint.
4. EDC shall sign Non-Disclosure Agreement



5. The EDC procedure does not preclude the affected parties from seeking legal redress on Ethics violations whether or not a complaint of such violation has been submitted to MSRA.

4. Criteria for breach of Ethics

- A. Ruling shall be based on the 12 Ethics Principles.
- B. A checklist shall be used by EDC to determine validity of the case, that includes:
 1. Geographical jurisdiction – bodies registered and recognised in Kenya;
 2. Membership – the accused is a corporate or individual member of MSRA;
 3. Timeliness of complaint – 3 months after the issue becomes apparent to the complainant, and not longer than a year from when the issue occurred.

5. Disciplinary Actions

A. Corporate Members

Disciplinary measures against corporate members may take any of the following forms:

- 1) Mention in the council: a transgression shall be shared in the council meeting and included in the council minutes;
- 2) Non-representation: Representatives of the corporate members may lose their vote in the council for a period of 12 months, as well as any official function that they execute on behalf of MSRA (chair, vice chair, treasurer, secretary);
- 3) Such a member may have their membership suspended for a period of up to 3 years as shall be determined by the EDC;
- 4) Such a member may be expelled from MSRA. Such an expelled member can only reapply for membership after a minimum 3 years from the date of suspension. Such re-application shall be published on the MSRA website and/or with a press release for comments by the members before a decision on their re-admission can be made by the council.

B. Individual Members

Disciplinary measures against individual members may take any of the following forms:

- 1) Their names will be entered into the caution list and mentioned in the council
- 2) Non-participation: Members shall lose their vote in the MSRA for a period of 12 months, as well as any official function that they execute on behalf of MSRA (chair, vice chair, treasurer, secretary)
- 3) Suspension of membership for a period of up to maximum 3 years as determined by the EDC
- 4) Expulsion of member from MSRA. Such a member can only reapply for membership after minimum 3 years from the date of suspension. Such re-application shall be published on



the MSRA website and/or with a press release for comments by the members before a decision on their re-admission can be made by the council.

- 5) Such a member either individually, or through any bodies they subsequently form may lose their membership

C. Non-Members (Corporate)

Disciplinary measures against corporate non-members may take any of the following forms:

- 1) Such bodies shall be barred from applying for membership for a period of up to a maximum of 3 years from the date of judgment or for such a period as may be determined by EDC
- 2) Such bodies may be permanently barred from admission into the MSRA membership provided:
 - i. Such barred member may apply to MSRA Council for re-admission no earlier than 5 years from date of verdict on first ban and no earlier than 10 years from the date of verdict on second ban.
 - ii. Such application for re-admission must be accompanied by documented evidence that relevant organizational changes have been fully implemented in a sustainable manner
 - iii. Subsequent to such application, the Council shall seek the advice of the EDC, who will respond within 90 days in a Council Meeting. The Council will then vote and a threshold of 75% of eligible Council Members (present or absent) is required to lift a permanent ban.
 - iv. After an unsuccessful application, the applicant has the right to re-submit application for a lift of the ban after 24 months from date of unsuccessful application

D. Non-Members (Individual)

Disciplinary measures against individual non-members may take any of the following forms:

- 1) Their names will be listed in the caution list of the MSRA and mentioned in the council
- 2) Such persons may be barred from applying for membership for a period of up to a maximum of 3 years, or as may be determined by the EDC
- 3) Such persons may be permanently barred from admission into the MSRA membership individually, or through the bodies that they may form.

6. Complaint Form

MSRA Ethics Complaint Form

To file a complaint, please complete and send the form by email to ethics@msra.or.ke

CONTACT DETAILS COMPLAINANT



Full
Names:.....

Company/Agency:.....

Address:.....

Email Address:

Telephone:

DETAILS OF ACCUSED

In providing the details of the accused, please provide the following information.

Full Names:

Company:

COMPLAINT INFORMATION

Country where Ethics violation too place:

Dates within which Ethics violation happened:

Party/Parties affected by Ethics violation:

COMPLAINT DETAILED DESCRIPTION *(give full description of the Ethics violation, and attached all documentations relevant to the complaint)*