

“Complaints and Disciplinary Procedure”



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Rules referred to in these Procedures are the Rules set out in the ‘Constitution and Rules’ of the Institute. These procedures comprising paragraphs 1 to 17 inclusive are deemed to be Rules of the Institute in accordance with Rule 45.

COMPLAINTS PROCEDURE

1. Any complaint made against a member for which that member is liable to be disciplined under these Rules must be in writing addressed to the Executive Director, who shall inform the member by notice in writing of the nature and particulars thereof, the fact that such complaint will be investigated by the Ethics Investigation Committee, and his/her right to make written observations or submissions to the Ethics Investigation Committee and shall further inform the member of the Institute’s powers under Rule 46 and that any written observations or submissions to the Ethics Investigation Committee should be made within one (1) calendar month from the date of the notice or within such further period as the Committee shall allow.
2. When a member has been duly notified that a complaint has been made as to any matter referred to in Rule 33 he/she shall not be entitled to resign from membership of the Institute until all proceedings against the member have been concluded, and no attempt by the member to resign from membership shall preclude the enforcement of these Rules against the member.
3. The Ethics Investigation Committee appointed to investigate a complaint against a member shall, after due consideration of the complaint and all information or evidence relating thereto, and such observations or submissions that the member concerned shall have made in accordance with these Rules, either reach a conclusion thereon or call for further information or evidence from the complainant or from any other person.
4. If the Ethics Investigation Committee calls for any such further information or evidence, it shall not by reason thereof reach a conclusion adverse to the member unless it is first satisfied that the member has had a sufficient opportunity of considering such further information or evidence and of

answering it, whether by way of further written observations or submissions or by personal attendance before it, and it may adjourn its investigation from time to time as may be necessary.

5. The Ethics Investigation Committee shall keep minutes of its investigations and may at its discretion retain a minute taker but the circulation of those minutes shall be confined to the members of that committee.
6. If the Ethics Investigation Committee finds that the complaint is not upheld, it shall inform the Executive Director accordingly with instructions to notify in writing the member concerned and the complainant.
7. If the Ethics Investigation Committee finds that the complaint is upheld, the Ethics Investigation Committee shall inform the Executive Director accordingly with instructions to notify in writing the Ethics Complaint Selection Panel who shall then appoint a Disciplinary Board in compliance with Rules 36 and 41 as soon as practicable thereafter. The Ethics Investigation Committee shall forward to the Disciplinary Board particulars of the complaint together with its records and recommendations for consideration by the Disciplinary Board.

DISCIPLINARY BOARD

8. The Disciplinary Board appointed to consider a complaint against a member shall, as soon as practicable after its appointment, consider the complaint and the records and recommendations of the Ethics Investigation Committee and make a decision as to what order, if any, it shall make in accordance with Rule 46. The Disciplinary Board may at its discretion call for members of the Ethics Investigation Committee to present themselves for consultation. The decision of the Disciplinary Board shall be reported by letter by the Chairperson of the Disciplinary Board to the Executive Director who will notify in writing the member concerned and the complainant of the decision of the Board. Unless notice of appeal against the decision of the Disciplinary Board is given pursuant to these Procedures, Council shall note such decision in the member's personal record file.
9. Subject to a member's right of appeal under paragraph 12 of this Complaints and Disciplinary Procedure, all decisions of the Disciplinary Board shall take immediate effect and in due course be reported to Council and duly recorded; and Council may cause to be published in the Journal or other proceedings of the Institute and in such newspapers or other publications as the Council may think fit, notice of the penalty imposed on a member together with such particulars as the Council shall think desirable of the matter for which the penalty in question was imposed; provided that no penalty imposed by the Disciplinary Board shall take effect nor any report thereof made by Council or notice thereof published within the prescribed time for appealing there from, or if notice of appeal is given, until the decision of the Disciplinary Board is confirmed

by the Appeal Board. In the event of the Appeal Board reversing or modifying or otherwise changing any decision of the Disciplinary Board, the decision of the Appeal Board shall take immediate effect as if it was a decision of the Disciplinary Board except that it shall not be subject to any further appeal whatsoever.

10. If a member is expelled his/her name shall be removed from the Register and the member shall thereupon cease for all purposes to be a member of the Institute. The member's Certificate of Membership shall be immediately returnable and he/she shall not be entitled to use any designation or description which implies membership or former membership of the Institute.
11. If a member is suspended his/her Certificate of Membership shall be immediately returnable and the member shall not be entitled during the period of suspension to exercise any of the rights or privileges of membership of the institute or (in particular) to use any such designation or description implying membership or former membership as aforesaid. The member shall however remain in all other respects subject to the provisions of these Rules and Code of Practice and Professional Conduct and to the exercise of the Institute's disciplinary powers in respect of any contravention of those provisions committed by the member during the period of the member's suspension.
12. If within 28 days after notification of the decision of the Disciplinary Board is given to a member, that member gives to the Executive Director written notice of appeal against such decision, the Executive Director shall notify the Ethics Complaint Selection Panel who shall then appoint an Appeal Board in compliance with Rules 36, 41 and 44.

APPEAL BOARD

13. The Appeal Board appointed to consider an appeal shall be supplied with copies of:
 - a The complaint and the decision of the Disciplinary Board;
 - b The notice of appeal;
 - c The records of the Ethics Investigation Committee and its recommendations;
 - d Any documentary evidence submitted to or produced before the Ethics Investigation Committee; and
 - e The records of the Disciplinary Board.
14. The Appeal Board shall appoint a date, time and place for the hearing of the appeal and shall inform the Executive Director accordingly with instructions to notify the member thereof not less than twenty eight (28)

days before the appointed date, and the member's right to appear in person and to be represented by a solicitor or counsel at such hearing.

15. The Appeal Board shall conduct the hearing of the appeal in a judicial manner and may adjourn the hearing from time to time as justice or necessity may require.
16. The Appeal Board may confirm, reverse or modify or otherwise change the order or decision appealed against and may make such order concerning the cost of the appeal as it thinks fit.
17. At the conclusion of the hearing of the appeal, the Appeal Board, shall make such decision including any order concerning the cost of the appeal as it thinks fit and such decision shall be announced, confirmed by letter to the member and reported to Council. The decision of the Appeal Board shall be given such publicity as Council may determine in accordance with Article 9 of these Procedures and also noted in the member's personal record file. The Appeal Board shall advise the Executive Director if the notice of appeal is withdrawn, or if the appeal is not proceeded with, or is at any stage abandoned.