



## **Disciplinary and Appeal Procedures**

### **A. Disciplinary Procedure**

(1) The Executive Committee shall act on behalf of the Institute in all matters relating to disciplinary inquiry and sanctions, and may further delegate such functions as it considers appropriate.

(2) Where a complaint in writing has been received that a member or an associate (“the Respondent”) has engaged in unprofessional conduct or has behaved in a manner falling short of the high ethical standard set by the Institute, the Executive Committee may appoint an appropriate investigator (who need not be a member) to carry out preliminary investigation into the complaint. A preliminary investigation may also be instituted by the Executive Committee on its own initiative.

(3) The investigator shall cause notice of the preliminary investigation, and a copy of the complaint if any, to be served on the respondent. The investigator shall take such action as necessary to assess if there is a prima facie need for a disciplinary inquiry, or whether the matter would be more appropriately handled by alternatives such as mediation. In the latter case he would carry out the mediation himself or seek further instructions from the Executive Committee.

(4) Where the investigator recommends a disciplinary inquiry, the Executive Committee shall appoint a disciplinary tribunal to determine if the allegations are well found. The tribunal may comprise of not more than three persons (who need not be members) provided there is at least one Executive Committee member.

(5) The tribunal :

(a) shall serve on the Respondent a notice of inquiry setting out the allegations in reasonable detail,

(b) shall give the Respondent at least 14 days to make a written reply to the allegations,

(c) may receive oral evidence from the Respondent or any other person where necessary but is not obliged to do so; and



(d) may take into consideration any submissions made by the Respondent in connection with the allegations.

(6) The tribunal shall determine its own procedure as resources shall permit, but shall observe fundamental fairness to the Respondent.

(7) The tribunal shall report its finding and, if the allegations are well found, recommend sanctions to the Executive Committee. The Executive Committee shall, if it thinks fit, adopt such finding and recommended sanctions as reported and notify the Respondent within seven days of its decision. Neither the Executive Committee nor the tribunal is obliged to give detailed reasons.

(8) The finding and sanctions adopted by the Executive Committee is final save that where removal from membership is sanctioned it shall not take effect until any resultant appeal is concluded.

#### **B. A member's right of appeal against removal from membership**

(1) A member may appeal to the Institute in general meeting against a decision to remove him from membership by lodging with the Secretary of the Institute a notice of appeal within 7 days of the notice of removal from membership.

(2) The notice of appeal shall be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.

(3) On receipt of a notice of appeal, the secretary shall notify the Executive Committee to convene a general meeting not later than 28 days from the date the notice of appeal was received by the Secretary.

(4) At a general meeting of the Institute so convened :

(a) no business other than the question of the appeal is to be transacted, and

(b) the Executive Committee (and/or the disciplinary tribunal) and the member must be given the opportunity to state their respective cases orally or in writing, or both, and



(c) the members present are to vote by secret ballot on the question whether the removal from membership should be affirmed or not, or whether a lesser sanction should be imposed.

(5) The resolution of the general meeting shall be carried into effect forthwith.

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