



DISCIPLINARY PROCEDURE

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Introduction

It is the purpose of this document to clearly define how a complaint about a member or the Institute should be dealt with by the Institute.

These Procedures must be applied subject to any terms and conditions or contractual commitments agreed with a Client or within the existing laws of a country having jurisdiction. In the absence thereof English law is to prevail in all matters.

Complaints must be submitted in writing and marked confidential. Complainants must be advised accordingly. A letter of acknowledgement will be sent to the complainant. Complaints by telephone will not be accepted.

On receipt of a complaint, the Chief Executive Officer (CEO) will advise the Chairman of the Disciplinary Panel of the details of the complaint.

The CEO will take the necessary administrative action as laid down below and will be responsible for ensuring these Procedures are followed.

A member may be suspended at any time before or during the disciplinary procedure and process pending the outcome of the formal disciplinary hearing.

Absolute confidentiality is to be maintained at all times. The CEO is responsible for the interpretation of these procedures and his decision will be binding.

The Chairman of Standards may amend these Procedures, as required.

Procedure for Complaints Against a Member

Stage One

On receipt of documentation outlining a complaint against a member, the CEO will contact the member concerned in writing.

The CEO will forward a copy of the complaint requesting a response within fourteen working days. The Chairman of the Disciplinary Panel will receive a copy of the letter.

Stage Two

When the CEO has received the response from the member concerned, the documentation will be reviewed and any points clarified as necessary. The CEO will then contact the Chairman of the Disciplinary Panel who will review the complaint and select two members of the Management Board (or if required Institute Members who have specialist skills) who will form the Disciplinary Panel. Failure to comply with the CEO's request for further information and to co-operate with the investigation may result in immediate suspension and a withdrawal of membership privileges, pending a meeting between the CEO and the Chairman of the Disciplinary Panel which could result in termination of membership.

Stage Three

The CEO will forward copies of the documentation to the Panel for their review. The Panel will advise the CEO independently if they consider that there is a case to answer. The CEO is to take account of the votes of the Panel and take the following action:

- a. If the Panel vote that there is a case to answer, the CEO is to move to Stage Four.
- b. If the Panel vote that there is no case to answer, the CEO is to communicate the decision to the member and the complainant. The President is to be advised of the decision.

The votes cast and the documentation reviewed are to be recorded and archived.

Stage Four

1. When the Disciplinary Panel decides that there is a case to answer, the CEO is to notify the member that he/she is required to attend on an agreed date. The CEO may also invite the Complainant to attend and if they choose to, the member is to be advised of this fact. The meeting is to take place as soon as possible after the completion of Stage Three.
2. The member will have the right, not discounting any other rights he may have, of appearing in person before the Disciplinary panel. He may, if he wishes, be represented at this hearing by a professional advocate. In which case he must also attend in person.

3. In the event the member fails to reply to correspondence or fails to communicate with the CEO, the Panel may decide, at their discretion, to deal with the matter in the member's absence. In this instance, a recorded delivery letter must be sent to the member's last known address, advising him of this and when and where the hearing will take place.

Stage Five

The Disciplinary Panel will review all the evidence and may hear submissions by both the member and the complainant.

The Disciplinary Panel has the authority to make the following decisions:

- a. Delay a decision until additional information or evidence is available.
- b. Decide that there is common ground between the parties concerned and offer an avenue for arbitration.
- c. Uphold the complaint.

Concerning b. above, the Institute can assist with this.

- i. If the arbitration is agreed. The Disciplinary Panel will await the outcome of the arbitration before deciding on any action to take.
- ii. If arbitration is not agreed, the Disciplinary Panel may then make a decision based upon the evidence before it.

Concerning c. above, the Disciplinary Panel may deal with the member in the following manner:

The member may receive a verbal or written warning as to their future conduct.

In addition to i. above, the membership status of the member may be varied, i.e. reduced from Full Member to Associate, or conditions imposed upon his continuing membership, e.g. retraining, supervision etc.

- iii. The member may be expelled from the Institute. In this event the member would be immediately suspended pending ratification by the Full Management Board.

N.B. When a punishment is decided, the penalty may have a time period attached. e.g. Reduction to Associate Member for a period of six months or reduced to Associate Member until they have undertaken a course or period of re-training etc..

Stage Six

Following the Disciplinary hearing, all documentation is confidential and the CEO is to take the following actions:

- a. Notify the member and the Complainant of the decision of the Disciplinary Panel.
- b. Ensure that the necessary Administration actions are taken.

Sanctions & Penalties

The Disciplinary Panel shall decide, having heard the case, whether the complaint is upheld. If it is, and having taken into account any mitigating circumstances or evidence provided by the Member, the Disciplinary Panel shall direct that any one or more of the following sanctions or penalties be imposed and will confirm the date from which any sanction(s) will take effect:

1. The Member is reprimanded, a note placed on his file and the matter closed.
2. The Member may have his membership grade reduced with an option to apply for an upgrade within an agreed time period.
3. The Member at his own expense may be required as a condition of continued membership to attend such additional training, or to undertake further professional development, or to complete further tests of competence as the Disciplinary Panel may deem appropriate.
4. The Member be suspended from membership for a specified period of up to 3 years. During that time all, or any of the Member's privileges of membership, including their membership card and web site listing, be withdrawn and removed.
5. The member's membership be made subject to conditions as deemed appropriate by the Disciplinary Panel.
6. The member be expelled from membership of the Institute with immediate effect.
7. In the event of suspension or expulsion, the Institute reserves the right to require the Member to pay any subscription arrears or other monies outstanding to the Institute at that time.
8. Such other sanction(s) or order as the Disciplinary Panel considers reasonable and appropriate having regard to the objective of dealing with complaints justly and in ways which are proportionate within the context

of securing and justifying the confidence of the public and other Members.

9. Failure to comply with the Disciplinary Board's decision may result in termination of membership.

Notification & Publication

Such details of disciplinary cases dealt with by the Institute may be published in the Report Magazine either electronically or printed if the matter is deemed to be in the interest of the membership as a whole.

The details to be published will not usually extend beyond the name of the Member, the offence alleged and the outcome and sanction (if any). Details of the Member's home address will not be published.

In certain exceptional circumstances, published details may also be provided to other regulatory authorities, consistent with the obligations of the Institute, but subject to such data protection legislation as may from time to time apply to records held by the Institute.

Appeals Procedure

On all matters concerning discipline or complaints, a member or complainant has the right of Appeal which must be received in the IIMS Head Office within fourteen (14) days of receipt of the notification from the CEO.

The appeal must be in writing and addressed to the President of the Institute. The appeal must state the reasons for the appeal and any information not already disclosed that the member or complainant feels should be considered.

On receipt of the appeal, the CEO must forward all documentation to the President for review. The CEO must acknowledge receipt of the Appeal to the member or complainant.

The President is to review the appeal and the documentation from the hearing within seven (7) days of receipt and make a decision based upon his review:

- a. To confirm the decision
- b. To Uphold the appeal
- c. To direct a re-hearing of the case

The President's decision is final and the CEO is to forward a response to the member or

complainant as directed by the President.

In the case of a re-hearing being required, the President is to select an alternative Disciplinary Panel to re-sit within one calendar month of the Appeal being received.

In the case of an appeal regarding a decision of the President in a complaint against the Institute, the President should call a meeting of the full Management Board to re-hear the complaint.

In the event that the President is not available or is the subject of the Complaint, the Vice President will act on the President's behalf.

The CEO is to ensure that all relevant persons are advised of the appeal findings when advised by the President or the Chairman of the Disciplinary Panel.

Procedure for Complaints Against the Institute

On receipt of a complaint against the Institute, the CEO is to forward the complaint direct to the President for his action. A copy is to be sent to the Chairman responsible for Standards.

The President will deal with any complaints against the Institute directly. The President will review the complaint and if considered necessary may request assistance from:

- The Management Board Internal Verifier
- The Chairman of Standards
- Other Members of the Institute as required

The CEO will forward copies of the documentation as directed by the President to the Panel for their review.

The President may conduct a full hearing or may deal with the matter himself. In the event of a full hearing taking place, the CEO is to make the necessary arrangements keeping all parties informed.

In the event that the President decides that the complaint is upheld, he is to take such necessary steps to ensure that the cause of the complaint will not happen again. (e.g. if this may be in the form of changes to procedures or by amending the Constitution of the Institute).

The CEO is to communicate the findings of the President to the complainant.

The President is the final arbiter in all complaints against the Institute.