

IEMA Disciplinary Procedure

Approved by IEMA Council on the 8th June 2004

1. Introduction

- 1.1 The IEMA will investigate disciplinary matters and complaints made against any member in accordance with the terms set out in this procedure. This procedure has been developed in accordance with the Articles of Association of the IEMA.
- 1.2 IEMA Full Members, Auditors and EIA Practitioners agree to abide by a Code of Practice when they are admitted to the membership and specialist register levels. The Code of Practice varies depending on the level of membership or specialist register.
- 1.3 The Articles of Association of the IEMA state that the Professional Standards Committee:

“shall regulate all matters of policy and principle relating to the process of the assessment of applications for membership”

“shall also be responsible for regulating the conduct of members in accordance with policy and directives set by the Council and shall make recommendations on all membership issues to the Council.”

2. Definitions

- 2.1 ‘*The Committee*’ and ‘*PSC*’ refers to the Professional Standards Committee unless specified otherwise.
- 2.2 ‘*The Council*’ refers to the Council of the IEMA.
- 2.3 ‘*Member*’ refers to a member of the IEMA.
- 2.4 ‘*Complaint*’ refers to a written document provided by a Complainant or other evidence regarding the conduct of an IEMA Member.
- 2.5 ‘*Complainant*’ refers to the individual or organisation making the Complaint.
- 2.6 ‘*Conflict of Interest*’ occurs when a Committee Member is in a position of making a decision which requires them to exercise judgment on behalf of the IEMA in a situation where they also have interests or obligations of the sort that might interfere with the exercise of their judgment.

3. Disciplinary Committee

- 3.1 The Committee has overall responsibility for matters relating to the professional conduct of members and any related Complaints.
- 3.2 Where a Complaint is made or disciplinary action is required, the Chairperson of the PSC will ask six members of the Committee to form a Disciplinary Committee to address the matter.
- 3.3 The Chairperson of the PSC will chair the Disciplinary Committee.
- 3.4 The quorum for the Disciplinary Committee shall be three members.
- 3.5 Disciplinary Committee Members must declare any Conflict of Interest in the Complaint or disciplinary action immediately and they will not be entitled to vote.

- 3.6 The Disciplinary Committee will consider all relevant material and make a decision on the Complaint in accordance with this procedure.
- 3.7 Where the Disciplinary Committee decision is split, the Chairperson shall have the deciding vote.
- 3.8 The Disciplinary Committee shall meet in person to discuss the Complaint within three months of the Complaint being made.
- 3.9 The decision of the Disciplinary Committee shall be subject to ratification by Council.

4. Complaints

- 4.1 Any person can make a Complaint regarding the conduct of a Member.
- 4.2 All Complaints must be made in writing and detail the specific details and nature of the Complaint.
- 4.3 All Complaints must be addressed to the Professional Standards Manager at the registered office of the IEMA.
- 4.4 The IEMA may be the Complainant where a Member does not adhere to the requirements of Membership or where the IEMA is aware of improper conduct.

5. Administration of Procedure

- 5.1 An acknowledgement of receipt of the Complaint shall be sent to the Complainant within 7 days, together with a copy of the IEMA Disciplinary Procedure. The acknowledgement shall confirm that an investigation will be undertaken in accordance with the Disciplinary Procedure.
- 5.2 On receipt of a Complaint the Member with the Complaint made against them shall be asked to make a written statement within 3 weeks and shall be given the option to make a verbal statement.
- 5.3 Confirmation in writing (that a verbal statement will be made) is required from the person whom the Complaint was made against.
- 5.4 The Member has the right to be heard by the PSC and subsequently Council if requested by the Member.
- 5.5 The person against whom the Complaint was made must be given fourteen days notice of the meeting at which the Complaint will be considered.
- 5.6 If a request to make a verbal statement is received from the person whom the Complaint was made against, they will be asked to make a statement before the Disciplinary Committee.
- 5.7 After the statement has been made and the Disciplinary Committee have considered all relevant materials, the Disciplinary Committee shall make a recommendation.
- 5.8 The Chairperson of the Disciplinary Committee shall convey such recommendation to Council at the next meeting.
- 5.9 Council must either ratify the decision or request further information.
- 5.10 A ratified decision will then be sent to the person against whom the Complaint was made. They can request a final hearing from Council.

- 5.11 In the event that a final hearing is requested, the person against whom the Complaint was made shall be asked to make a verbal statement regarding the Complaint to Council at the next meeting.
- 5.12 The Council will then be asked to either uphold or overturn the original decision.
- 5.13 The decision of Council is final.
- 5.14 Notification of the decision will be sent to the Complainant and the person against whom the Complaint was made.
- 5.15 The decision will be recorded on the individual's membership record on the IEMA database.
- 5.16 In the event that a Complaint is upheld, the IEMA shall have the right to recover costs from the Member against whom the Complaint was made.

6. Procedure for the Disciplinary Hearing

- 6.1 The Chairperson of the Disciplinary Committee must ensure that the Disciplinary Committee is quorate.
- 6.2 The Chairperson must name the individual against whom the Complaint was made and ask Disciplinary Committee Members to declare any Conflict of Interest.
- 6.3 The Chairperson of the Disciplinary Committee must ensure that the exact nature of the Complaint is presented in a fair and appropriate manner to the Committee.
- 6.4 The Chairperson of the Disciplinary Committee must ensure that all information relevant to the Complaint is presented to the Committee, and as a minimum must include:
 - a) The original letter of Complaint or reason for the disciplinary hearing;
 - b) The written statement made by the Member against whom the Complaint has been made;
 - c) IEMA Membership level;
 - d) Copy of the appropriate Code of Practice; and
 - e) Copy of Continuing Professional Development Submission (where available)
 - f) A verbal statement (where so requested by the Member)
- 6.5 The Chairperson will also make the Disciplinary Committee aware of any mitigating circumstances that the Member may rely upon, as detailed in the written statement.
- 6.6 The Disciplinary Committee shall discuss the case and the Chairperson shall ask the Committee to vote on the sanction that is appropriate.
- 6.7 Upon reaching a decision the Disciplinary Committee will make a recommendation to the IEMA.
- 6.8 The Chairperson of the Disciplinary Committee will put forward this recommendation to Council for ratification.
- 6.9 The Council shall vote on the decision. The resolution of the Council must be passed by a majority of at least three-fourths of the members present and voting at a Council meeting.
- 6.10 The Member must be notified in writing of the decision of Council within 14 days.

- 6.11 Where the Disciplinary Committee decide to dismiss the Complaint, a written explanation shall be provided to the Complainant.
- 6.12 Where an IEMA Member is convicted of a criminal offence which in the opinion of the Disciplinary Committee renders the individual Member unfit to remain a Member, the Disciplinary Committee may order the membership of the individual to be withdrawn. This decision must be ratified by Council.

7. Sanctions available to the Disciplinary Committee

7.1 The Disciplinary Committee may:

7.1.1 **Dismiss the Complaint**, where the Disciplinary Committee feel that:

- a) The Complaint is unjustified;
- b) Where the Member has not failed to adhere to the Code of Practice; or
- c) Where the committee feel that the Complaint is beyond the scope of the IEMA Code of Practice.

7.1.2 **Request a Member to make a written undertaking of their future conduct**

7.1.3 **Reprimand a Member** and require one or more of the following:

- a) Training
- b) Retake of assessment to retain membership

7.1.4 **Withdraw membership**

Where the conduct of the Member is considered to be serious and considered to bring the Institute into disrepute membership may be terminated and all privileges of membership shall be forfeited. If membership is terminated (in accordance with 4.4 or 4.5 of the Articles of Association) no part of that Member's subscription shall be refunded.

7.2 The sanction applied must be:

7.2.1 Proportionate to the seriousness of the offence;

7.2.2 Only decided upon once the Member has been asked to respond to the Complaint and the response has been received.

8. Re-application of Member

8.1 On receipt of a re-application for membership, the application will be processed in accordance with normal procedure. Prior to the result being issued to the candidate, the result will be put to the Professional Standards Committee for ratification.

8.2 The Committee will consider the application and the reasons for dismissal previously.

8.3 The Committee's decision is final.

9. Confidentiality

9.1 All materials relating to the Complaint will be circulated to the Committee on the day of the meeting (hard copy) and collected at the end of the discussion.

- 9.2 The Committee will be given time to read the materials and consider the Complaint.
- 9.3 All materials relating to the Complaint will be retained by IEMA and marked confidential.
- 9.4 Under the Data Protection Act 1998, the person against who the Complaint was made has the right to see any papers relating to the Complaint.
- 9.5 The decision and overall justification for the decision will be recorded in the minutes.
- 9.6 No discussion will be recorded and the minutes will be non-attributive.
- 9.7 The verbal statement (if given) will be tape recorded and deleted within six months of the final decision.

10. Publicity

- 10.1 At the sole discretion of the IEMA Council a statement may be issued concerning the withdrawal of membership or sanctions imposed on an individual.
- 10.2 Any such statement will be issued in a publication of the IEMA, and the Council will decide if wider publication is necessary.