

SIETAR Europa GRIEVANCE and DISCIPLINARY GUIDELINES

Adopted by the Board of SIETAR Europa August 2013

These procedural guidelines are published to uphold SIETAR Europa's Ethical & Professional Code of Conduct and the terms used are, except where the context otherwise demands, consistent with this Code of Conduct and the values espoused by SIETAR Europa in Article 5 of the Statutes. Whilst it is intended that the following procedures shall be followed in most cases, the Board may, at its absolute discretion, sanction alternative procedures which are deemed to be fair to any individual member involved and in the interests of SIETAR Europa or its community.

1. Areas of Responsibility

(i) The Board has delegated to a **Grievance and Disciplinary Committee** responsibility for investigating all complaints and grievances relating to alleged breaches of SIETAR Europa's Ethical & Professional Code of Conduct. The respective Committee will proceed in accordance with the guidelines stated within this document. In complex cases the respective Committee may seek the assistance of the Board in carrying out an investigation or forming a Disciplinary Panel. A Disciplinary Panel shall have the powers set out in paragraph 7 of the Instructions (except that there shall be no power to expel a member but a right to recommend expulsion to the Board). Also, the Rights of Appeal set out in paragraph 3 below shall apply. (The **Grievance and Disciplinary Committee** shall consist of the Vice-President, the SIETAREuropa Secretary, the Executive Officer and "the Delegated Officer" (see 1.iii below) at a minimum).

(ii) The Board has delegated to the **Grievance and Disciplinary Committee** responsibility for inquiring into complaints or grievances of a minor nature about the behaviour of any member/board member. The Vice President (or responsible person of the Board) shall take appropriate action and may give a clear instruction to or reprimand a member, keeping a full note of the action taken. Notes of action taken must be retained for a minimum of 3 years. The Vice President (or responsible person of the Board) will report this to the SE Board.

(iii) In the case of extreme or serious behaviour (examples of which are given below) the Vice-President (or responsible person of the Board) will consult with the Director ("the Delegated Officer") to whom the Board has delegated responsibility for disciplinary matters who then shall have the power to suspend a member (if appropriate) pending a full investigation.

Examples of Extreme or Serious Behaviour:-

- Violent or disorderly conduct
- Causing damage to property belonging to SIETAREuropa or member or property belonging to partner or supplier with whom SE is engaged.
- Abuse of board members, staff or volunteers

- Refusal to comply with SIETAR Europa's Professional Code of Conduct or with the lawful instruction of a SE Officer
- Persistent failure to comply with the Diversity and Equal Opportunity Policy of SIETAREuropa
- Any other behaviour which is likely to bring the SIETAREuropa Board or its community into disrepute

NB. It is intended that the above are examples only and not an exhaustive list of types of behaviour which might be deemed extreme or serious.

(iv) Any behaviour (whether or not following written complaint) with which the Vice-President (or responsible person of the Board) is unable to deal at a minor level shall be referred to the Board and in appropriate cases the Delegated Officer shall be requested to form a Disciplinary Panel of not less than five members (none of whom may be personally involved) to be chaired (unless s/he is personally involved) by the Delegated Officer. The Disciplinary Panel shall normally include current Board members, but if circumstances warrant, may comprise past board members who are not personally involved PROVIDED THAT the principles of natural justice shall in all cases be followed.

2. Disciplinary Panel Procedure and Powers

(i) The SIETAR Europa Secretary shall act as Secretary to the Disciplinary Panel but shall not act in any judicial capacity or have a vote.

(ii) The SIETAR Europa Secretary shall assist in the collation of evidence and in particular shall ensure that all written complaints contain:

- a) The date and time of the alleged incident
- b) Full details of the complaint and
- c) The name of any witnesses

(iii) Once full details of the complaint are established the Delegated Officer shall direct the SIETAR Europa Secretary to write to the member about whom a complaint is made, a letter/email containing full details of the complaint alleged and a request for a written response within 7 days.

(iv) The Delegated Officer may, as soon as a complaint is referred to him/her, suspend a member pending completion of inquiries provided that such inquiries shall be completed without delay. Such suspension shall be confirmed in writing by the SIETAR Europa Secretary.

(v) Upon receipt of a written response to the complaint containing a full admission the Delegated Officer shall (in consultation with the **Grievance and Disciplinary Committee**) determine:

- a) If no further action is required, in which case all concerned parties shall be informed without delay, or

- b) If an oral or written warning is deemed appropriate, or
- c) If a hearing by a Disciplinary Panel is required to consider the imposition of a penalty

(vi) If no written response is received or the written response does not constitute a full admission the Delegated Officer shall instruct the Vice President/Executive Officer to make contact with all known witnesses and shall make such enquiries as are deemed appropriate to present a full case to the Disciplinary Panel.

(vii) The SIETAR Europa Secretary shall invite the accused member in writing to attend before a Disciplinary Panel to consider the complaint. Such letter shall contain full details of the complaint based upon the evidence gathered and shall attach formal witness statements, if any, in order that the accused member shall understand clearly the nature and detail of the complaint made and to give the accused member reasonable time to consider his or her response or to gather other evidence before the Disciplinary Panel hearing.

(viii) The Disciplinary Panel shall consider all available written and oral evidence and any evidence (to be provided by the SIETAR Europa Secretary) of previous misbehaviour or misconduct and shall be entitled to consider hearsay evidence if the source of that evidence can be identified and is considered reliable but shall not consider anonymous or unattributed opinions.

(ix) The accused member may be accompanied at the Disciplinary Panel hearing by a fellow member or friend and shall be entitled to call other evidence or submit written evidence. If the accused member fails to attend the hearing without good cause or reason the Disciplinary Panel may proceed in his or her absence and reach a decision or adjourn the hearing as it deems appropriate.

(x) Only the members of the Disciplinary Panel shall be involved in the decision making process and the standard of proof shall be the balance of probabilities. The Disciplinary Panel may adjourn its proceedings to make further enquiries or to deliberate, but the accused member shall be given notice of any further evidence and be given an opportunity to respond before the Disciplinary Panel makes its decision. The decision of the Disciplinary Panel shall be communicated as soon as practicable to the accused member and shall be confirmed in writing by the SIETAR Europa Secretary.

(xi) The Disciplinary Panel may also deal with any matters arising during its procedures which might call for disciplinary action against members other than the accused member provided always that such other members are given adequate notice and an opportunity to respond. They shall be informed in writing by the SIETAR Europa Secretary.

(xii) The Disciplinary Panel may following completion of its procedures:-

- a) Take no further action
- b) Reprimand a member
- c) Suspend a member for an appropriate period

- d) Expel a member from the SIETAR community
- e) Refer the matter to the appropriate Police authority or other relevant authority
- f) Impose such alternative penalty or restriction upon a member as may justly fit the circumstances of the case

Note: A member expelled or suspended shall not be entitled to relief from subscription liabilities or any refund.

3. Rights of Appeal

(i) A member penalised under 2. (xii) (b)(c) (d) or (f) above has a right of appeal to the Board and such appeal shall be made in writing to the Delegated Officer within 14 days of receipt by the member of written notice of the Disciplinary Panel decision. The appeal notice shall state the bona fide reason(s) why the member does not accept the decision of the Disciplinary Panel and shall make clear if the appeal is against the findings of fact made by the Disciplinary Panel or the penalty imposed, or both.

(ii) On receipt by the Delegated Officer of a valid notice of appeal, the President shall form an Appeal Panel with a minimum of three members, to be chaired by him/her. The members of the Appeal Panel shall normally be past Presidents but may be other past board members if circumstances warrant (e.g. in cases of unavailability or personal involvement). The Appeal Panel shall, other than in exceptional circumstances, meet within 7 days of receipt of the notice of appeal.

(iii) The Appeal Panel shall afford the penalised member a right of audience and shall consider the notice of appeal, the minutes of the Disciplinary Panel proceedings and any fresh evidence made available which for good reason was not available to the Disciplinary Panel, although the Appeal Panel shall not conduct a full re-hearing. The Appeal Panel may adjourn its deliberations to make further enquiries in appropriate cases where the justice of the case demands.

(iv) On completion of its procedures the Appeal Panel may:-

- a) Uphold the decision of the Disciplinary Panel
- b) Rescind the decision of the Disciplinary Panel and substitute an alternative penalty (a suspension may be increased or reduced) or
- c) Rescind the decision of the Disciplinary Panel and take no further action

(v) The decision of the Appeal Panel shall be final and shall be advised to the member concerned as soon as practicable and confirmed in writing by the SIETAR Europa Secretary. A full record of proceedings shall be maintained for a minimum of 3 years.

4. Emails or letters delivered by hand shall be deemed to be received within 24 hours and if sent by post to have been received within four days of posting.