

IEMA Disciplinary Procedure

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1. Introduction

IEMA will investigate disciplinary matters and complaints made against any member in accordance with the principles of Natural Justice and the terms set out in this procedure. This procedure has been developed in accordance with the Articles of Association of IEMA. It is a condition of all membership applications and renewals occurring after 1st March 2008 that members undertake to abide by the IEMA Code of Professional Conduct, which may be amended by the Institute from time to time.

The Articles of Association of 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 Board and shall make recommendations on all membership issues to the Board.”

2. Definitions

‘The Committee’ and **‘PSC’** refers to the Professional Standards Committee unless specified otherwise.

‘The Board’ refers to the IEMA Board as detailed in the Articles of Association.

‘Member’ refers to a member of IEMA.

‘Complaint’ refers to a written document provided by a Complainant or other evidence regarding the conduct of an IEMA Member.

‘Complainant’ refers to the individual or organisation making the Complaint.

‘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 IEMA in a situation where they also have interests or obligations of the sort that might interfere with the exercise of their judgment.

‘Respondent’ means a member of IEMA against whom a complaint has been made.

3. Disciplinary Committee

The PSC has overall responsibility for matters relating to the professional conduct of members and any related Complaints. The process is as follows:

- 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.
- The Chairperson of the PSC will then chair the Disciplinary Committee.
- The quorum for the Disciplinary Committee shall be three members.
- Disciplinary Committee Members must declare any Conflict of Interest in the Complaint or disciplinary action immediately and they will not be entitled to participate in the disciplinary committee.
- The Disciplinary Committee will consider all relevant material and make a decision on the Complaint in accordance with this procedure and with the principles of Natural Justice.
- Where the Disciplinary Committee decision is split, the Chairperson shall have the deciding vote.
- The Disciplinary Committee shall meet in person to discuss the Complaint within three months of the Complaint being made.
- The decision of the Disciplinary Committee shall be subject to ratification by the Board.

4. Complaints

Any person or organisation can make a Complaint regarding the conduct of a Member. All Complaints must be made in writing and provide the specific details and nature of the Complaint, addressed to the Chief Executive at the registered office of IEMA. IEMA may be the Complainant where a Member does not adhere to the IEMA Code of Professional Conduct or requirements of Membership, or where IEMA is aware of or has a reasonable suspicion of improper conduct.

5. Administration of Procedure

An acknowledgement of receipt of the Complaint shall be sent to the Complainant within seven 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.

On receipt of a Complaint, the Respondent shall be asked to make a written statement within three weeks and shall in addition be given the option to make a verbal statement to the Disciplinary Committee. The Respondent must submit a written notification detailing that a

verbal statement will be made at the hearing and the Disciplinary Committee will ask the respondent to make the statement in advance.

The Respondent has the right to be heard by the Disciplinary Committee and must be given fourteen days' notice for the meeting of the Disciplinary Committee at which the Complaint will be considered. After the statement has been made and the Disciplinary Committee has considered all relevant materials, the Disciplinary Committee shall make a recommendation to the PSC. The Chairperson of the PSC shall then report in writing the recommendation to the Board at the next meeting and the Board must either ratify the decision or request further information.

Once ratified the decision will be sent to the Respondent within fourteen days. The Respondent can request a final hearing from the Board within seven days of receipt of the decision. In the event that a final hearing is requested, the Respondent shall be asked to make a verbal statement regarding the Complaint to the Board at the next meeting whereby the Board will then either uphold or overturn the original decision. The decision of the Board is final. The notification of the decision will be sent to the Complainant and the Respondent within seven days and the decision will be recorded on the individual's membership record on the IEMA database. In the event that a Complaint is upheld, IEMA shall have the right to recover its reasonable administrative costs from the Respondent.

6. Procedure for the Disciplinary Hearing

The disciplinary hearing is as detailed below;

- The Chairperson of the Disciplinary Committee must ensure that the meeting is quorate.
- The Chairperson must name the Respondent and ask Disciplinary Committee Members to declare any Conflict of Interest.
- 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.
- 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:
 - The original letter of Complaint or reason for the disciplinary hearing;
 - Any written statement made by the Respondent;
 - IEMA Membership level;
 - Copy of the IEMA Code of Professional Conduct;
 - Copy of Continuing Professional Development Submission (where available);
 - and
 - Any verbal statement (where so requested by the Respondent)

- The Chairperson of the Disciplinary Committee will make the Disciplinary Committee aware of any mitigating circumstances that the Respondent wishes to rely upon, as detailed in any written statement.
- The Disciplinary Committee shall discuss the case and the Chairperson shall ask the Disciplinary Committee to vote on whether to accept the Complaint. The Disciplinary Committee can dismiss the Complaint where the Disciplinary Committee feel that:
 - The Complaint is unjustified;
 - Where the Member has not failed to adhere to the Code of Professional Conduct; or
 - Where the committee feel that the Complaint is beyond the scope of the IEMA Code of Professional Conduct.
- If the Disciplinary Committee accepts the Complaint, the Committee must then vote on the sanction that is appropriate.
- Upon reaching a decision the Chairperson of the Disciplinary Committee will make a recommendation to the PSC.
- The Chairperson of the PSC will put forward in writing the recommendation to the Board.
- The Board shall vote on the decision. The resolution of the Board must be passed by a majority of at least three-fourths of the members present and voting at the Board meeting.
- The Respondent must be notified in writing of the decision of the Board within fourteen days.
- Where the Disciplinary Committee dismisses the Complaint, a written explanation shall be provided to the Complainant.
- Where an IEMA Member is convicted of a criminal offence which in the reasonable opinion of the Disciplinary Committee renders the individual or organisation unfit to remain a Member, the Disciplinary Committee may order the membership to be withdrawn. This decision must be ratified by the Board. Any member aggrieved by such decision may apply for a final hearing by the Board in which case the procedures set out within section 5. above shall apply.

7. Sanctions available to the Disciplinary Committee

The Disciplinary Committee may;

- Request a Member to make a written undertaking of their future conduct
- Reprimand a Member and require one or more of the following:
 - Training
 - Retake of assessment to retain membership
 - Withdraw membership

Where the conduct of the Member is considered to be serious and liable 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 23.1 of the Articles of Association) no part of that Member's subscription shall be refunded.

The sanction applied must be:

- Proportionate to the seriousness of the offence;
- Only decided upon once the Member has been asked to respond to the Complaint and the response has either been received and considered or the time for filing a response has expired.
- Decided in accordance with the principles of equity and Natural Justice.

8. Re-application of Member

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 PSC for ratification. The Committee will consider the application and the reasons for dismissal previously. The Committee's decision is final.

9. Confidentiality

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, the Committee will then be given time to read the materials and consider the Complaint. All materials relating to the Complaint will be retained by IEMA and marked confidential, however under General Data Protection Regulation (GDPR), 2018, the person against who the Complaint was made has the right to see any papers relating to the Complaint. The decision and overall justification for the decision will be recorded in the minutes, no discussion will therefore be recorded, and the minutes will be non-attributive. If a verbal statement is given, it will be tape recorded and deleted within six months of the final decision.

10. Publicity

At the sole discretion of the IEMA Board, a statement may be issued concerning the withdrawal of membership or sanctions imposed on an individual. Any such statement will be issued in a publication of IEMA and may be further publicised if deemed necessary in the sole discretion of the Board.