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Complaints Procedures

Procedures for investigating complaints against members and for taking disciplinary action

Institute of Ecology and
Environmental Management

Promoting and Supporting Professionalism in the Environment

Professional Issues Series

10

Institute of Ecology and Environmental Management

Complaints Procedures

Background

The Institute has made great strides in promoting ecology and environmental management as a profession so that its current standing has become comparable with the longer established professions. In common with comparable bodies, the Institute has a Code of Professional Conduct that underpins the actions of its members. All members have agreed to be bound by the Code of Professional Conduct as a condition of membership.

The Institute has approved regulations to cover allegations of professional misconduct by members *i.e.* non-compliance with the Code of Professional Conduct or where there is evidence to warrant rejection of an application for membership because of past conduct that would be considered in breach of the Code of Professional Conduct. This guidance note is intended to explain the process and the procedures to be followed.

It is the intention of the Institute to be open, fair and objective in its proceedings. Whilst not intended to act as any form of inquisition, the consequences of a proven contravention of the Code of Professional Conduct can be serious and may result in a range of disciplinary actions including expulsion.

The Complaints Procedures are intended to provide the framework to:

- i) consider allegations or evidence in a manner that is fair and reasonable to all concerned;
- ii) draw conclusions based on the evidence;
- iii) if appropriate, discipline members who have breached the Code of Professional Conduct;
- iv) consider whether allegations of past conduct justify refusal of admission to the Institute; and
- v) provide for hearing appeals.

What are the Boards?

There are two types of Boards: a Disciplinary Board and an Appeal Board. The Institute has a pool of Members of high standing (usually Institute Council members and Fellows) that have agreed to be called upon where necessary to hear a complaint. It is the responsibility of the President of the Institute to choose the members of a Board from the pool.

Board Structure

The Disciplinary Board would comprise four members one of whom would be an independent person, that is, a person of high standing from another suitable body.

An Appeal Board would comprise three members.

A Board will be serviced by a Secretary, in most cases the Deputy Executive Director, and may also have a legal adviser.

Process for Investigation of a Complaint

How is a Complaint Made?

Any complaint must be made in writing to the Institute; it must be attributable, relate to a breach of a part of the Code of Professional Conduct or the Constitution, and can be applied to work carried out by the Member anywhere in the world. Where an objection is raised against an application for membership listed in the Institute's Bulletin, it must be lodged within the time frame specified for that list.

How is the Process Initiated?

Alleged breach of Code of Professional Conduct

The Complaints Procedures can be invoked in four possible ways:

a complaint can be made by:

- i) a Member against another Member;
- ii) a non-Member against a Member (it cannot be used by a Member against a non-Member);

an action can be initiated by the Professional Affairs Committee:

- iii) if it has come to its notice that there appears to be a breach of the Code of Professional Conduct, or
- iv) a Member is convicted of dishonesty, or an act which is in any way contrary to the objectives of the institute.

Objection to a membership application

Where an objection to a membership application advertised in the Institute's Bulletin is considered to be substantive, it would be referred to the Professional Affairs Committee for further consideration. When such an objection is lodged the Membership Admissions Committee will defer admitting a member until advised further by the Professional Affairs Committee or the Disciplinary Board. Issues such as qualifications and length and suitability of experience would be excluded since these are considered by the Membership Admissions Committee and are usually a matter of fact.

How is a Complaint Assessed?

In the first instance the Executive Director will consider whether there is an issue to be addressed, and report the complaint to the Professional Affairs Committee or the Membership Admissions Committee. The Professional Affairs Committee will consider if there is a case to be investigated and if so, the individual concerned will be advised that a complaint has been made. Where a complaint is referred to a Committee regarding a possible breach of the Code of Professional Conduct, the Executive Director may request further information from the Member or Applicant in question or the complainant so as to be able to consider the

complaint more fully. Where circumstances have come to the notice of the Professional Affairs Committee directly, or there has been the conviction of a Member for a wildlife related offence, the Professional Affairs Committee through the Secretariat can request information from other sources or persons as well as the Member. It is only if the Professional Affairs Committee considers there is a case to answer that a Disciplinary Board and any subsequent Appeal Board will be convened.

The Rights of the Member or Applicant

The Member or Applicant may appear in person or, at their own cost, have legal representation. They may also choose to call witnesses. A Member or Applicant is expected to co-operate fully with the Professional Affairs Committee and the Board(s). If this does not happen the Professional Affairs Committee or Board(s) are entitled to draw their own conclusions as to what any lack of co-operation infers.

Operation of the Disciplinary Board

Informing the Member or Applicant

Once a matter has been referred to a Disciplinary Board, the Secretariat will inform the Member or Applicant setting out its provisional assessment and its basis; it will also inform the Member or Applicant of their rights. The Member or Applicant will then be invited to reply setting out their evidence in response to any allegations, in writing and within a stated time period. A date and time for a formal hearing will be agreed. This would be no sooner than three weeks and preferably no later than eight weeks from the date of the letter from the Disciplinary Board.

Prior to the Hearing

The Disciplinary Board can request the Member or Applicant to attend the formal hearing, produce documents it considers relevant, and call witnesses to attend the formal hearing.

At the Formal Hearing

The Disciplinary Board can:

- i) proceed in the absence of the Member or Applicant;
- ii) admit new evidence,
- iii) adjourn the hearing (for no more than four weeks), and/or
- iv) accept a submission from the Member or Applicant that the complaint is justified.

Conclusions of the Hearing

The Disciplinary Board can choose to either present its decision immediately or to inform the Member or Applicant in writing within two weeks. Where the decision is presented immediately after the hearing, it is also required to be put in writing and sent to the Member or Applicant within this time period.

Mitigating Circumstances

Where the Disciplinary Board upholds a complaint against a Member or Applicant, they can, within two weeks, submit evidence in mitigation to the Disciplinary Board prior to it awarding penalties.

Powers of the Disciplinary Board

The Board can award penalties at its discretion where there is a breach of the Code of Professional Conduct.

In the Case of a Member

It can:

- i) reprimand the Member;
- ii) require undertakings in such terms as it considers fit;
- iii) impose a fine of up to £5,000; and/or
- iv) suspend and/or expel the Member from the Institute.

Where a fine is imposed and not paid within the agreed, stipulated period the Member will be expelled from the Institute.

Where a Member is suspended or expelled from the Institute, this will be published in the Institute's Bulletin along with relevant details. However, publication can only occur after an appeal is considered or after the time for an appeal has expired.

In the Case of an Applicant

It can advise the Membership Admissions Committee;

- i) to disregard the objection;
- ii) to have the application reconsidered;
or
- iii) to refuse membership.

Making an Appeal against a Decision

Once a Member or Applicant has been notified in writing of the outcome, an appeal can be made against the decision by the Disciplinary Board. An Appeal Board will be convened only after an appeal is lodged in writing. This must clearly state the grounds and provide supporting evidence for an appeal. It must be made within three weeks of the despatch of the written decision and an Appeal Board can only consider the following grounds:

where the Disciplinary Board has:

- i) misinterpreted the Code of Professional Conduct;
- ii) drawn conclusions from the factual findings that could not have reasonably been found;
- iii) imposed an inappropriate penalty; or
- iv) there is new evidence, which justifies the complaint being resubmitted to the Disciplinary Board for reconsideration.

The Procedures of the Appeal Board

Informing the Member or Applicant

The Secretariat on behalf of the Appeal Board must reply in writing to the Member or Applicant within two weeks outlining various options. These may be to arrange a date for a preliminary hearing or to fix a date for a formal hearing or to inform the Member or Applicant that it does not consider there are grounds for appeal.

Purpose of the Appeal Board

The Appeal Board is required to consider the reasons for the appeal and to review all relevant documents and evidence in the possession of the Disciplinary Board.

Preliminary Hearing

If it is uncertain as to whether the grounds for appeal are valid, a preliminary hearing can be called to consider the appeal. The outcome may be either to fix a date for the formal hearing or to inform the Member or Applicant that it does not consider there are grounds for appeal.

Formal Hearing

If it is considered that there are valid grounds for an appeal then a formal hearing will be called. The Member or Applicant may appear in person or, at their own cost, have legal representation.

The Powers of the Appeal Board

The Appeal Board has four options. It can:

- i) allow the appeal;
- ii) refuse the appeal;
- iii) request the Disciplinary Board to re-hear the complaint;
- or
- iv) amend the penalties awarded by the Disciplinary Board.

Conclusion

Legal advice has been sought and adopted on the various procedures required and how they should operate. They are a necessary safeguard to ensure that the Professional Standards of the Institute are maintained and upheld both as reassurance for Members and also as demonstration to the outside world. For anyone so involved and in the interests of fairness to all concerned, please bear in mind that these procedures may take some months to reach a conclusion, will involve considerable time and effort both by the Secretariat and the Members of the Disciplinary and Appeal Boards.

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