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Disciplinary Regulations

Institute of Ecology and
Environmental Management

Promoting and Supporting Professionalism in the Environment

Professional Issues Series

11

Institute of Ecology and Environmental Management Disciplinary Regulations

Regulation 1: Constitution of the Disciplinary Board and the Appeal Board

- 1.1 The President shall nominate the members of the Disciplinary Board which shall comprise:
 - 1.1.1 four Members of the Institute of high standing but who are not members of the Professional Affairs Committee; and
 - 1.1.2 one person of high standing who is not a Member of the Institute.
- 1.2 The quorum for any hearings before the Disciplinary Board shall be three, one of whom shall be the person that is not a Member of the Institute.
- 1.3 The Disciplinary Board may sit with a legally qualified adviser, who shall not be a member of the Disciplinary Board.
- 1.4 The President shall nominate the members of the Appeal Board which shall comprise three Members of the Institute of high standing.
- 1.5 The quorum for any hearings before the Appeal Board shall be three.
- 1.6 The Appeal Board may sit with a legally qualified adviser, who shall not be a member of the Appeal Board.
- 1.7 The members of the Disciplinary Board and the Appeal Board shall nominate one of their number to act as chairperson.
- 1.8 A Member may sit on the Disciplinary Board or the Appeal Board, but not on both.
- 1.9 Members of the Disciplinary Board and Appeal Board may be appointed from the Council.
- 1.10 The proceedings of the Disciplinary Board and the Appeal Board shall be open to the public and other Members of the Institute as well as the Member who is the subject of the disciplinary proceedings. The Disciplinary Board and the Appeal Board (as the case may be) may at their discretion, permit witnesses to attend the hearing at times other than those when they are giving evidence.
- 1.11 A Secretary shall be appointed by the Institute to provide secretarial assistance to the Disciplinary Board and the Appeal Board.

Regulation 2: Procedures

- 2.1 Proceedings shall be commenced by:
 - 2.1.1 the receipt by the Institute of a complaint or allegation in writing against a Member; or
 - 2.1.2 a decision by the Professional Affairs Committee to investigate circumstances which come to its attention and which appear to disclose:
 - 2.1.2.1 a breach of the Code of Professional Conduct by a Member;

2.1.2.2 the conviction of a Member by a court of competent jurisdiction of an offence of dishonesty or of an offence, which is in any way contrary to the objectives of the Institute, or

2.1.3 an appeal to the Professional Affairs Committee by an Applicant whose application for membership of the Institute has been refused on the grounds of failure to comply with the obligations of the Code of Professional Conduct. The Professional Affairs Committee shall not deal with an appeal relating to any other grounds on which the Applicant has been refused admission.

2.2 In the case of proceedings commenced under paragraphs 2.1.1 and 2.1.3 the Professional Affairs Committee shall consider whether the complaint gives rise to a case to answer involving a breach of the Code of Professional Conduct. In order to assist the Disciplinary Board's consideration, the Professional Affairs Committee may ask the complainant, the Member or the Applicant to supply further evidence or information in writing within such time as it shall specify.

2.3 In the case of an investigation under paragraph 2.1.2 the Professional Affairs Committee may ask the Member or any other person to supply further evidence or information in writing within such time as it shall specify.

2.4 If the Professional Affairs Committee concludes, following a meeting to discuss the proceedings, that the matter discloses reasons for believing that the Member or Applicant may have contravened the Code of Professional Conduct it shall remit the matter to a Disciplinary Board. The Disciplinary Board shall:

2.4.1 write to the Member or Applicant by registered post setting out its provisional conclusion and its basis;

2.4.2 request the Member or Applicant to reply in writing setting out his evidence in response to the complaint and his case within such time as it shall specify;

2.4.3 inform the Member or Applicant of his rights under paragraphs 2.5 and 2.7 below; and

2.4.4 endeavour to agree with the Member or Applicant the date and anticipated duration of a formal hearing of the proceedings before the Disciplinary Board no later than eight weeks and no sooner than three weeks after the date of the letter referred to in paragraph 2.4.1 provided that if the Member or Applicant fails to co-operate with the Professional Affairs Committee in this regard it may fix a date for the formal hearing without further reference to the Member or Applicant.

2.5 The Member or Applicant may appear in person or, at his own cost, be represented by a Solicitor, a Barrister or a Member of the Institute of Legal Executives at the formal hearing.

2.6 The Member or Applicant shall use all reasonable endeavours to assist the Professional Affairs Committee and, if appropriate, the Disciplinary Board. If he fails to do so, the Professional Affairs Committee or the Disciplinary Board (as the case may be) shall be entitled to draw such adverse inference from the Member's or Applicant's failure to assist it as it shall think fit.

2.7 The Member or Applicant has the right to call witnesses at the formal hearing and the Disciplinary Board may:

2.7.1 require the Member or Applicant to attend;

2.7.2 require the Member or Applicant to produce documents in his possession which it considers relevant; and

2.7.3 request the attendance of witnesses at the formal hearing.

2.8 At the formal hearing the Disciplinary Board may at its absolute discretion:

2.8.1 proceed in the Member's or Applicant's absence;

2.8.2 admit new evidence;

2.8.3 adjourn the hearing for no more than four weeks; and/or

2.8.4 accept the Member's or Applicant's submission that the complaint is justified.

2.9 At the conclusion of the hearing the Disciplinary Board shall consider its decision and may either:

2.9.1 deliver it immediately; or

2.9.2 inform the Member or Applicant of its decision by registered post within two weeks.

Where the decision is delivered to the Member or Applicant at the hearing, a written record and explanation of its decision shall be sent to the Member or Applicant by registered post within two weeks.

2.10 If the Disciplinary Board finds that the complaint is justified, the Member or Applicant shall be given the opportunity to put submissions and evidence in mitigation to the Disciplinary Board within two weeks.

Regulation 3: Powers of the Disciplinary Board

3.1 If the Disciplinary Board finds that the Member has breached the Code of Professional Conduct it shall have the power to:

3.1.1 reprimand the Member;

3.1.2 require the Member to give undertakings in such terms as it considers appropriate;

3.1.3 fine the Member up to £5,000;

3.1.4 suspend the Member from membership of the Institute for such period as it thinks fit;

3.1.5 expel the Member from the Institute.

3.2 The Disciplinary Board may exercise one or more of the powers in paragraph 3.1 at its absolute discretion and (where appropriate) stipulate the time within which the Member shall comply with its decision.

3.3 A failure by the Member to give an undertaking or to pay a fine within the time stipulated by the Disciplinary Board shall result in the Member's expulsion from the Institute.

3.4 In the case of Applicants, the Disciplinary Board shall either:

3.4.1 reverse the Membership Admissions Committee's conclusion; or

3.4.2 remit the Applicant's application to the Membership Admissions Committee for reconsideration; or

3.4.3 uphold the Membership Admissions Committee's decision to refuse membership of the Institute to the Applicant.

3.5 Subject to paragraph 3.6 below, the Disciplinary Board shall instruct the Executive Director to publish any decision under paragraph 3.1.4 and 3.1.5 in the Bulletin together with such details as it shall think fit and to report that decision to such external organisations as it shall think fit.

3.6 No publication under paragraph 3.4 shall be made and no penalty under paragraph 3.1 shall take effect until the Member's time for lodging an appeal has expired and, if the Member lodges a notice of appeal under paragraph 4.1, the appeal has been determined by the Appeal Board.

3.7 If the Appeal Board refuses to consider the appeal under paragraph 5.2.3 or if they refuse it under paragraph 6.1.2, the decision of the Disciplinary Board shall be published forthwith and the penalty shall take effect two weeks thereafter.

3.8 The Disciplinary Board has the power to award the Member's and witnesses' travel costs for attending the formal hearing, which shall be paid by the Institute if it sees fit to do so.

Regulation 4: Appeals against decisions of the Disciplinary Board

4.1 The Member or Applicant may appeal against any decision of the Disciplinary Board under paragraph 3.1 by lodging a notice of appeal with the Executive Director within three weeks of the written decision being sent to the Member or Applicant under paragraph 2.9.

4.2 The notice of appeal shall specify the Member's or Applicant's grounds of appeal and the facts or matters on which they are based.

4.3 The only grounds on which the Appeal Board shall consider an appeal are:

- 4.3.1 misinterpretation of the Code of Professional Conduct by the Disciplinary Board;
- 4.3.2 factual findings by the Disciplinary Board, which no reasonable Disciplinary Board could have found;
- 4.3.3 an inappropriate penalty imposed by the Disciplinary Board under paragraph 3.1; and/or
- 4.3.4 the production of new evidence not considered by the Disciplinary Board which in the view of the Appeal Board justifies the complaint being referred back to the Disciplinary Board for a re-hearing.

Regulation 5: Procedure of the Appeal Board

- 5.1 The Appeal Board shall consider the Member's or Applicant's notice of appeal, the documents and evidence in the possession of the Disciplinary Board and its written decision.
- 5.2 The Appeal Board shall then write to the Member or Applicant by registered post:
 - 5.2.1 fixing a date for a formal hearing of the appeal if it considers the notice of appeal gives valid grounds for considering the appeal; or
 - 5.2.2 fixing a date for a preliminary hearing if it is unable to reach a decision on whether there are valid grounds for considering the appeal or if there are other matters which it considers could be dealt with at a preliminary hearing; or
 - 5.2.3 informing the Member or Applicant that it has concluded there are no valid grounds for the appeal.
- 5.3 At a preliminary hearing under paragraph 5.2.2 the Appeal Board shall either fix a date for the appeal hearing and give notice to the Member or Applicant, or shall inform the Member or Applicant that there are no valid grounds for the appeal within two weeks of the preliminary hearing.
- 5.4 The Member or Applicant may appear in person or, at his own cost, be represented by a Solicitor, a Barrister or a Member of the Institute of Legal Executives at the preliminary or the formal hearing of the appeal.

Regulation 6: Decisions and powers of the Appeal Board

- 6.1 The Appeal Board may:
 - 6.1.1 allow the appeal;
 - 6.1.2 refuse the appeal;
 - 6.1.3 remit the matter to the Disciplinary Board for a re-hearing; or
 - 6.1.4 alter the exercise of the Disciplinary Board's powers under paragraph 3.1.

Regulation 7: Definitions

- 7.1 In these Regulations:
 - 7.1.1 'Applicant' shall mean an applicant for membership of the Institute.
 - 7.1.2 'the Bulletin' shall mean the Journal of the Institute currently known as 'In Practice' and any successor publication.
 - 7.1.3 'Code of Professional Conduct' shall mean the Institute's Code of Professional Conduct as amended from time to time.
 - 7.1.4 'Disciplinary Board' shall mean a disciplinary board appointed under Regulation 1.
 - 7.1.5 'Executive Director' shall mean the Executive Director of the Institute at the time.
 - 7.1.6 'Institute' shall mean the Institute of Ecology and Environmental Management.
 - 7.1.7 'Member' shall mean any member of the Institute regardless of the grade of membership.
 - 7.1.8 'Membership Admissions Committee' shall mean the committee of the Institute responsible for the development of membership admission, upgrade criteria and procedures, scrutiny of applications for membership and the supervision of membership renewal.
 - 7.1.9 'Professional Affairs Committee' shall mean the committee of the Institute responsible for the review of the Code of Professional Conduct, and the adherence of members to it.
- 7.2 In these regulations:
 - 7.2.1 the headings shall not affect their interpretation;
 - 7.2.2 a reference to a paragraph is a reference to a paragraph in these regulations;
 - 7.2.3 references to a person include a corporate or unincorporated body or association (whether or not having a separate legal personality);
 - 7.2.4 words in the singular include the plural and vice versa; and
 - 7.2.5 references to one gender include all genders.

Institute of Ecology and Environmental Management
 43 Southgate Street, Winchester, Hampshire, SO23 9EH, UK
 Tel: 01962 868626 Fax: 01962 868625
 E-mail: enquiries@ieem.net Web: www.ieem.net