

# MEMBERSHIP DISCIPLINARY PROCESS

## 1. Introduction

- 1.1. If a member's conduct is alleged to have breached the *Syl 011 Code of Ethics*, or has or may have brought the Institute or the security profession into disrepute (whether through business or personal actions) then the matter may be referred to the Ethics Committee of the Institute.
- 1.2. An allegation of a breach of the Code (**see Syl 011 Code of Ethics**) may be upheld against a member where they:
  - a. act unethically, display serious incompetence or otherwise bring into disrepute the profession and/or the Institute through their behaviour; or
  - b. are found guilty of any criminal offence (except minor traffic offences); or
  - c. are subject to a disciplinary sanction imposed by a regulatory body; or
  - d. are subject to a disciplinary sanction imposed by an employer; or
  - e. intentionally makes a false or misleading statement to the Institute.

## 2. Ethics Committee

- 2.1. The Ethics Committee has delegated authority from the Board to determine the allegation and impose sanctions, if appropriate.
- 2.2. The Ethics Committee, who considers the allegation, shall consist of the Chairman and two board members; one of whom shall minute the discussions and findings.
- 2.3. If any member of the Ethics Committee has any relationship or conflict of interest with the member under investigation, they cannot take part in the process. In the case of the Chairman then another board member will replace them on the committee for the purpose of determining the allegation.

## 3. Preliminary Investigation

- 3.1. When information about a potential breach is received, the Chairman of the Institute shall refer the allegation and any documents submitted or known to the Managing Director.
- 3.2. The Managing Director shall consult with the Chairman of the Ethics Committee to confirm what elaboration, evidence and answers are necessary to consider the complaint.
- 3.3. The Managing Director will promptly inform the member of the allegation and invite them to submit a written response within 14 days.
- 3.4. The Managing Director shall assess whether there is a case to answer. If a member, or any originator of the complaint fails to supply information then this will not preclude the Managing Director determining whether there is a 'case to action' and referring the allegation to the Ethics Committee.
- 3.5. The Institute reserves the right to make material enquiries by post, email or telephone.

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- 3.6. The decision of the Managing Director as to whether there is a case to answer shall be communicated to the Chairman of the Ethics Committee.
  - 3.7. The Ethics Committee will consider the allegation, the Managing Director's findings and any other relevant evidence.
  - 3.8. The member will not in all cases be invited to attend the meeting of the Ethics Committee which determines the allegation. The Committee may determine the complaint upon the papers. However, if the Committee considers the matter to be of a level of seriousness such as may result in removal of membership, then it will invite the member to appear before it, together with any relevant witnesses.
  - 3.9. The Ethics Committee shall reach its decision by simple majority voting. If there is a split in votes then the Chairman shall have a casting vote.
  - 3.10. If any at any stage it is determined that there is no case to answer, the originator of the complaint, and the member shall be so informed and the case will be closed. A record will be maintained consistent with the Data Protection Act 1998.
  - 3.11. If the Ethics Committee finds that the allegation is proven then it shall decide upon the appropriate disciplinary sanction having taken account of mitigating circumstances.
  - 3.12. The decision of the Ethics Committee shall, subject to these rules, be communicated to the member in writing by post or by telephone.
4. **Sanctions**
- 4.1. If the Ethics Committee uphold the allegation in full or part then it must impose one of the sanctions below:
    - 4.1.1. A verbal warning to remind the member of a sanction in the event of a further infringement.
    - 4.1.2. Written reprimand warning that a further infringement will lead to greater penalty.
    - 4.1.3. Suspension from membership for a period not exceeding 3 months.
    - 4.1.4. Removal from membership. (An expulsion order may be made against a person who, since the investigation commenced, has resigned from the Institute).
  - 4.2. In circumstances where a member is convicted in court of an indictable crime, membership will be suspended forthwith, pending a decision by the Ethics Committee. The Ethics Committee shall determine whether the membership should be removed or whether other sanctions shall be imposed. If an appeal is pending, the suspension will remain in place until the appeal is heard whereupon the Ethics Committee will make a decision as above.
  - 4.3. In circumstances where a member is investigated or prosecuted for an offence then the Ethics Committee may determine to suspend membership pending determination of the investigation/proceedings. If the member is ultimately found guilty then the Ethics Committee shall determine whether membership should be removed or whether other appropriate sanctions shall be imposed.

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4.4. The Ethics Committee shall determine the extent of the publicity to be given to the result of its proceedings. It may, in any event, communicate fully its findings and any evidence submitted to it to any appropriate regulatory body.

### 5. Appeals

5.1. An appeal may only be brought where a member has been removed or suspended. The decision to remove or suspend will not take effect until the period for appeal has expired.

5.2. The appeal must be submitted to the Managing Director in writing within 21 days of the delivery of the decision to the member.

5.3. The appeal should state why the member believes the decision should be reversed or varied. The submission of an appeal shall suspend the decision until the determination of the appeal unless the Ethics Committee otherwise decides.

5.4. The Chairman of the Board, Chairman of the Validation Board and one other Board member shall convene to hear the appeal. If any member of the Appeals Panel has any relationship or conflict of interest with the appellant or person/s who may have made the original allegation they cannot take part.

5.5. No member of the Ethics Committee that determines the allegation may be appointed to the Appeals Panel for the same or related case.

5.6. The Chairman of the Board shall sit as Chair and shall determine the procedures to be adopted in conducting the appeal hearing.

5.7. At the discretion of the Chairman, the appellant, original complainant or any witness may be invited to attend the hearing.

5.8. The decision of the Appeals Panel shall be communicated to the appellant in writing.

5.9. The decision of the Appeals Panel shall be final.