

## **Disciplinary Policy**

### **Policy Brief & Purpose**

The Disciplinary Policy (Policy) of the Institute of International Experts (IIE) aims to ensure and encourage members of IIE to achieve and maintain high standards of conduct and performance in handling cases referred to members concerned by IIE. A complaint received by IIE against an IIE member's improper conduct in providing his or her professional services in respect of a case referred by IIE to the member shall be processed and determined in accordance with the Policy.

### **Scope**

This Policy applies to all IIE members.

### **Policy Elements**

1. Improper conduct refers to any act or behavior of an IIE member that fails to satisfy the standard of performance of an international expert expected of the IIE member including but not limiting to the following :-
  - 1.1 Any omission;
  - 1.2 Breach of relevant professional code of conduct;
  - 1.3 Behaviour bringing discredit upon and or damage to IIE including its reputation and image.
2. Disciplinary Committee
  - 2.1 A disciplinary committee (Disciplinary Committee) shall be formed by the President of IIE (President) in accordance with the provisions herein within 7 days of the decision of the President that there is a prima facie case of complaint of improper conduct against the IIE member concerned.
  - 2.2 The President with the advice of Council of IIE (Council) shall appoint three (3) members with one from amongst each of the following three categories of IIE members:-
    - 2.2.1 Former Presidents and existing Vice Presidents of IIE who shall be the chairperson of the Disciplinary Committee to be formed;
    - 2.2.2 Existing Council members of IIE; and
    - 2.2.3 Existing members of IIE.

### 3. Handling Procedures

- 3.1 A complaint for the purpose of the Policy (complaint) shall be made by the complainant in writing and shall be addressed to the Secretary of the IIE (Secretary) as soon as practicable following the notice by the complainant of the act of misconduct that has given rise to the cause of the complaint.
- 3.2 The complainant shall state the misconduct of the member complained of and provide all evidence relevant to the improper conduct together with the complaint.
- 3.3 The Secretary shall record the date of receipt and details of the complaint and inform the President and Council Members as soon as practicable and within 5 working days following the date of receipt of the complaint.
- 3.4 The Secretary shall acknowledge the receipt of the complaint to the complainant in writing as soon as practicable and within 5 working days of following the date of receipt of the complaint.
- 3.5 The President shall consider the complaint received and decide with advice of Council within 5 working days if there is a prima facie case of complaint against the member concerned taking into account the evidence provided.
- 3.6 If the President decides that there is a prima facie case, the President shall on the same day of the decision notify the Secretary of the decision and the Secretary shall proceed to form a disciplinary committee within 5 working days following the notice of the decision of the President.
- 3.7 If the President decides that there is no prima facie case, the President shall also notify the Secretary of the decision on the same day of the decision.
- 3.8 Upon receipt of the President's notice given under para. 3.6 or 3.7, the Secretary shall notify (i) Council Members, (ii) the complainant, and (iii) the member against whom the complaint is made, of the decision of the President, in writing within 5 working days of the receipt of the President's notice.
- 3.9 If the President decides that there is a prima case, the Secretary shall forward the complaint and all evidence provided by the complainant to the disciplinary committee upon the constitution of the disciplinary committee.
- 3.10 The chairperson of the disciplinary committee appointed by the President, with the administrative assistance of the Secretary, shall,
  - (i) hold a meeting to discuss the complaint received within 10 working days of the receipt of the complaint and the evidence forwarded by the Secretary in accordance with para. 3.9;
  - (ii) deliberate and decide on the procedure to deal with the complaint at

the meeting including as to whether (a) any further information is required from any person, (b) a hearing is required, and (c) any legal advice is to be sought. Provided that the disciplinary committee shall take such steps as are reasonably required to deal with the complaint fairly and equitably in compliance with the rules of natural justice, effectively and timeously.

- 3.11 With the assistance of the Secretary, the chairperson of the disciplinary committee shall ensure that every stage of the disciplinary proceedings taken will be properly documented. As appropriate and relevant in handling the complaint concerned, the disciplinary committee shall keep for record information including the evidence, testimonies, the decision of the disciplinary committee and member's response to the decision of the disciplinary committee, and in respect of any advice given by the disciplinary committee following the conclusion of the disciplinary proceedings, any progress or improvement .
- 3.12 The disciplinary committee shall prepare and submit in writing a finding report with such recommendations as the disciplinary committee consider appropriate and necessary to the Council for consideration and determination within 21 days from the date of the appointment of the disciplinary committee, or within such extended time as may be allowed by the President with the advice of the Council upon request for extension made by the chairperson of the disciplinary committee.
- 3.13 Upon consideration of the finding report submitted by the disciplinary committee, the Council shall determine if the complaint is established and if established, the orders including costs order to be made and sanctions to be imposed, with or without reasons as the Council see fit, and notify the Secretary of the determination.
- 3.14 The Secretary shall give notice in writing of the determination of the Council to the complainant and the member concerned to the their respective last known address within 5 working days of the notice of the determination given by the Council under para. 3.14.

### **Appeal**

4. The complainant and or the member concerned may appeal against the determination of the Council by giving notice in writing (notice of appeal) to the Secretary within 5 working days following the date of notice given by the Secretary under para. 3.15 of the determination of the Council. The notice of appeal shall

contain grounds of appeal in writing.

5. Upon receipt of a notice of appeal referred to in para. 4, the Secretary shall submit the notice of appeal to the President for consideration.
6. The President shall consider and decide on the appeal with the advice of Council. The decision of the President on the appeal shall be final and not subject to further appeal.

### **Sanctions**

7. If a complaint is established, the shall invite the member concerned to a meeting and explain the determination of the Council and, if there has been an appeal, the decision of the President as the case may be to the member.
8. Sanctions that may be imposed by the Council against a member upon the determination of a disciplinary action may include any one or more of the following:
  - 8.1 Verbal warning;  
The verbal warning may take the form of a simple oral reprimand.
  - 8.2 Official written reprimand or warning;  
The member must read and sign the written reprimand and final written warning.
  - 8.3 Corrective Actions;  
These should include the time limit in which a member must correct the conduct complained of before any further disciplinary actions.
  - 8.4 Suspension or Termination of membership
9. IIE has the right to modify this Policy and any part of parts of the Policy without prior notice and will post the latest Policy on its web.
10. In the event that IIE shall incur legal or any other costs in connection with or arising from the disciplinary proceeding, the disciplinary committee may order such costs to be payable by any of the parties involved, and the parties so ordered by the disciplinary committee shall be responsible for such costs and shall reimburse IIE for all such costs incurred as found by the disciplinary committee within such time as stated in the order of the Council.

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