

IHEEM Disciplinary Regulations



Professional Misconduct

1. In the following the expression 'professional misconduct' means:

- a. any breach of the provisions of the Articles of Association or of any regulations or rules made thereunder; and
- b. any breach of the Code and Rules of Conduct; and
- c. any other conduct indicating unfitness to be a member.

Disciplinary Procedure

2. When an allegation of professional misconduct against a member has been received, the Chief Executive shall so inform the member, and:

- a. The Council shall then appoint;
 - i. an Investigating Panel consisting of not fewer than three members to investigate whether a breach of the Code and Rules of Conduct may have occurred.
 - ii. a Disciplinary Body consisting of not fewer than five members, to hear and adjudicate any charge of professional misconduct arising from the Investigating Panel's enquiries.
- b. No member shall be eligible to serve both as a member of the Investigating Panel and of the Disciplinary Body at the same time or to hear a charge of professional misconduct arising out of an investigation made when he was a member of the Investigating Panel.

Investigating Panel

3. The Investigating Panel shall make enquiries into the allegation by correspondence or otherwise, as it sees fit.

4. At the conclusion of its enquiries, the Investigating Panel shall decide:

- a. to refer the matter to the Disciplinary Body; or
- b. that no prima facie case of professional misconduct has been established.

The decision of the Investigating Panel shall be communicated to the member. Such communication will be made in writing by the Chief Executive.

5. If the Investigating Panel refers a matter to the Disciplinary Body, it shall make a specific charge or specific charges of professional misconduct in writing against the member whose professional conduct is in question, together with a report of the enquiry made by the Investigating Panel and any relevant correspondence and documents, copies of which shall be supplied to both the Disciplinary Body and the member at the same time.

Disciplinary Body

6. A member charged before the Disciplinary Body shall be given reasonable notice of the charge and shall be entitled to be present and represented at the hearing, to challenge any evidence of misconduct on his part, to produce such evidence as he may think fit, and to be heard either in person or through the representative acting in his defence.

7. The Disciplinary Body shall hear and adjudicate any charge of professional misconduct against a member and shall report its findings to the Council.

8. Copies of the report of the findings of the Disciplinary Body shall also be given to The Engineering Council and all Licensed Members thereof of which the member is a corporate member, subject however to the provisions of paragraphs 12-17 below in the case of an appeal.

9. If the Disciplinary Body determines that a charge has been proved it may:

- a. expel the member from the Institute; or
- b. require the resignation of the member either immediately or at the end of the membership year; or
- c. to require the member to give an undertaking to refrain from continuing or repeating the conduct; or
- d. reprimand the member.

10. The decision of the Disciplinary Body shall be communicated to the member. Such communication will be made in writing by the Chief Executive.

Appeals

11. The member shall have the right to appeal against the decision of the Disciplinary Body but only on the grounds of process, finding or decision.

12. Any appeal shall be made in writing to the Chief Executive at the office of the Institute within twenty-one days of the posting of the notification of the decision of the Disciplinary Body.

13. Appeals shall be considered by an Appeal Panel established by the Council and comprising three members, none of whom shall have been concerned with the case at an earlier stage. The Appeal Panel shall have jurisdiction over all categories of membership irrespective of whether or not the appellant is registered with The Engineering Council.

14. The appellant shall be entitled to a second and final appeal which must be made in writing to the Chief Executive within 21 days of the posting of the notification of the decision of the Appeals Panel. The Council shall appoint independent Assessors who are not members of IHEEM. The Assessors may take written statements and may call the parties for interview.

15. In disciplinary cases where the appellant is to be expelled from the Institute or required to resign and the appellant is also registered with The Engineering Council through the Institute, the Institute shall advise the candidate of their right to appeal to the Engineering Council on the grounds of perversity or process. It shall advise the Engineering Council of any person who will lose their registration as a result of dismissal/ resignation in these circumstances.

16. The decision of the Assessors shall be final.

17. Appeal against the decision of the Assessors can only be made to the Courts.

18. If a member is to be expelled or required to resign, but wishes to appeal against the decision, no notification shall be sent to any member or Licensed Member of The Engineering Council until after the appeal has been heard.

Costs

19. If the Disciplinary Body decides that a complaint has been substantiated, it shall have power to order the member concerned to pay a specified sum towards the relevant costs, both direct and incidental, of the Investigating Panel and the Disciplinary Body.

20. If the case is dismissed, the Disciplinary Body shall be empowered to order that the whole or part of such costs shall be paid from the funds of the Institute and, where appropriate, to seek to recover the whole or part of the expenditure from the complainant.

21. In either event, the Disciplinary Body shall have complete discretion as to whether and in what manner it should exercise the powers conferred upon it by the Regulations.

These **Disciplinary Regulations** were approved by the IHEEM Council on 9th November 2010

An amendment to **Regulation 15** was approved by the IHEEM Council on 18th October 2011