

By-Law 2

Complaints & Disciplinary Procedures

2.1 Any person, whether or not a member, may complain to the Institute that a member has engaged in conduct which is not in accordance with the provisions of the AHRI Code of Ethics and Professional Conduct and/or where that conduct appears likely to bring discredit to the Institute or the profession. Such conduct will be considered under the terms below.

2.2 Professional Standards Disciplinary Procedure

The AHRI Board shall establish a Disciplinary Panel to deal with complaints against an AHRI member (of any grade). This Disciplinary Panel will report to the Board in a timely manner as required.

2.3 Procedures for Complaints

- 2.3.1 Complaints may be made against a member by the Institute, another member, a third party.
- 2.3.2 Any complaint made against a member must be made in writing under confidential cover and addressed to the National President of the AHRI. Complainants shall set out the circumstances forming the basis of the complaint, including the relationship if any between the complainant and the member concerned.
- 2.3.3 The National President will consult with the complainant and bring the matter to the attention of other parties, in particular the relevant State President of AHRI, to establish whether a prima facie case has been made. If it is determined by the relevant State President, in consultation with the National President, that a prima facie case has been made, the National President shall then formally notify in writing the member concerned.
- 2.3.4 If it is determined that a prima facie case has not been made, then the National President will advise the complainant and at his/her discretion the member concerned, in writing. The complainant may challenge the decision in writing to the National President. This appeal process will consist solely of the consideration of the information already submitted to the National President, the advice and written representations from the complainant and the member concerned. The appeal will be referred to the Disciplinary Panel for consideration. The Disciplinary Panel's decision shall be final and binding and there shall be no obligation to give written reasons for the decision.
- 2.3.5 If the State President decides in the first instance, or the Disciplinary Panel on preliminary appeal considers a prima facie case has been made, the National President shall then notify in writing the member concerned of the complaint and shall request the member's response within 28 days of the date of sending out of the notification. Upon receipt of the response or at the end of the period, whichever is earlier, the National President shall refer the complaint and the member's response, if any, to the Chair of the Disciplinary Panel. The National President shall then instruct the Chair to convene, as soon as reasonably practicable, a meeting of a Disciplinary Panel.

2.4 Disciplinary Panel

- 2.4.1 The power of disciplinary decisions is vested in a Disciplinary Panel.
- 2.4.2 The Disciplinary Panel will consist of not more than five and not less than three Certified HR Practitioners (CPHR or FCPHR) or Life Fellows, selected by the National President and/or board chair as appropriate. The Chair of the Disciplinary Panel will also be consulted in relation to the membership of the panel. The panel will be refreshed every three years and each member of the panel will have a primary vote. A panel may co-opt additional specialist advisers should it so decide who will not have a vote. There will also be a Disciplinary Panel Secretary. In the event of a tied vote, the Chair shall not have a casting vote; in these circumstances the complaint shall be regarded as dismissed.

2.5 Disciplinary Panel Hearings

- 2.5.1 Within fourteen days of receiving a response or after the lapse of 28 days from sending notification to the member concerned, whichever is the less, the Secretary will fix a date and place for the complaint to be heard by the Disciplinary Panel, giving at least 28 days' notice to the member and complainant concerned or such other period as may be determined (unless otherwise agreed between all the parties). The place where the complaint will be heard will normally be the National Office of AHRI. National Office of AHRI will coordinate any teleconference requirements.
- 2.5.2 At least 14 days before the disciplinary hearing, the panel must present in writing to the member concerned and all other parties the document supporting the complaint. The member concerned shall also have proper opportunity to introduce any relevant evidence he or she considers fit at the hearing. The person making the complaint may be required to appear before the hearing (in person or via teleconference). Either or both parties may be accompanied by a member of the Institute if he or she so wishes. Such a member will attend as a supporter or adviser but not as a representative or advocate.
- 2.5.3 The hearing can, with the agreement of the parties, take place in the absence of one of the parties if, in the opinion of the Disciplinary Panel, there is no alternative to proceeding in this way. With the agreement of the parties, the hearing could be conducted by correspondence.
- 2.5.4 The Disciplinary Panel may make such further enquiries by correspondence or call witnesses or otherwise as it may think fit. This may involve an adjournment of the panel hearing for a reasonable period.
- 2.5.5 The Disciplinary Panel, after considering all available submissions, will determine their decision. If the panel decides that the case has not been substantiated, the complaint will be dismissed. The Chair will inform the person making the complaint and the member concerned.
- 2.5.6 Decisions of the Disciplinary Panel shall be by simple majority and can be made in the absence of the member concerned, provided they have been previously informed of the date of the hearing and nature of the complaint. In the event of a tied vote, the Chair shall not have a casting vote; in these circumstances the complaint shall be regarded as dismissed.

2.6 Powers of the Disciplinary Panel

- 2.6.1 The Disciplinary Panel shall have the following powers -
- to dismiss the complaint; or
 - exercise one or more of the following disciplinary decisions, in combination or as alternative:
 - 2.6.1.1 warn, or reprimand any member
 - 2.6.1.2 call for a written undertaking from the member as to future conduct and performance, to provide guidance from a senior colleague and specific training, and/or arrange for regular reporting
 - 2.6.1.3 direct that a statement recording the complaint should be entered on the Institute's personal record of the respondent for a defined time
 - 2.6.1.4 review the member's eligibility for office in the Institute
 - 2.6.1.5 re-designate a member in the Institute's membership grades
 - 2.6.1.6 withdraw the benefits of membership of the Institute and the use of designatory letters for a defined time
 - 2.6.1.7 call for the resignation of a member
 - 2.6.1.8 expel a member from the Institute
 - 2.6.1.9 make recommendations to the National President and Chair of the Board of the Institute regarding publication of the decision.
 - 2.6.1.10 refer the matter to relevant authorities where action is deemed to be required outside the domain of the panel.

2.7 Appeal System

- 2.7.1 It is open for a member against whom a complaint has been upheld in full or in part by the Disciplinary Panel and against whom a disciplinary decision has been made, to lodge an appeal to an appeals panel.
- 2.7.2 A complainant who wishes to make an appeal against a decision of the disciplinary panel may lodge an appeal to an appeals panel where they can provide additional evidence or can demonstrate a material shortcoming in the decision of the disciplinary panel.
- 2.7.3 Such appeals must be made in writing to the National President at the registered office of the Institute within 28 days of the date of notification of the disciplinary decision. The notice must set out the full grounds on which issue is taken with the disciplinary decision including any additional evidence or material shortcoming of the decision of the disciplinary panel provided by the complainant. The action decided upon will, at the discretion of the Disciplinary Panel, normally be suspended until after the appeal is heard.
- 2.7.4 The National President will notify the Chair of the Disciplinary Panel, as Chair of the appeals panel, of the appeal, and he or she will instruct the Chair to convene an appeals panel.
- 2.7.5 The Chair shall fix a date and place for the case to be heard, giving at least 28 days' notice to the member concerned or such other period as may be agreed between all the parties.
- 2.7.6 The appeals panel will follow the same procedure as the disciplinary panel save that the member concerned may be represented by a third party who need not be a member of the Institute. Relevant documents will be circulated to all parties before the appeal hearing. The decision of the appeals panel will be final and by a simple majority; where no such majority is obtained, the appeal fails and the original decision stands.
- 2.7.7 The appeals panel may overturn the disciplinary decision, vary or uphold it.
- 2.7.8 The member concerned and the complainant will be informed in writing within 14 days of the decision of the appeals panel.

2.8 Appeals Panel

- 2.7.9 The appeals panel will consist of the Chair of the AHRI Board, and three other members of that Board. In the unavoidable absence or indisposition of the Chair, that person or the Board itself may nominate another member of the panel to act as Chair. No member may serve on the appeals panel who was previously involved in the disciplinary panel, in relation to the same matter.

2.9 Publication of decisions

- 2.9.1 Decisions by the National President and upon preliminary appeal by the Chair of the AHRI Board shall be reported to the AHRI Board.
- 2.9.2 Decisions of the Disciplinary Panel and of the appeals panel will be notified to the member against whom the complaint has been made and the complainant and as soon as practicable to the AHRI Board, and will be effective immediately. The extent of the publication will be at the discretion of the National President of the Institute, based on a recommendation from the disciplinary or appeals panel. Individuals in cases which have been dismissed will not be identified, but details of such cases may nevertheless be published. Members who have been the subject of disciplinary proceedings may request the National President, at his or her discretion, to publish decisions on their behalf.
- 2.9.3 Decisions of the Disciplinary Panel will be notified to the relevant State President.

2.10 Re-admittance

- 2.10.1 Before a member is re-admitted following expulsion, the matter will be referred to the AHRI Board.