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Institution of Agricultural Engineers
Guide to IAgrE Membership Grades

G12 – Disciplinary and Appeals Process

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Introduction

The Code of Conduct and Disciplinary Procedure are defined in the IAgrE Articles of Association as follows:-

Code of Conduct and Disciplinary Procedure

22.1 Membership is an annually renewable contract between the member and the Institution under which benefits and duties arise. Such benefits and duties are decided from time to time by the Executive Committee and published in the Regulations.

22.2 The Executive Committee shall determine and publish from time to time in the Regulations:

- (i) a code of Professional Conduct and
- (ii) a Disciplinary Procedure to deal with alleged breaches of the Code of Professional Conduct

In doing so, the Executive Committee shall have due regard to the related Guidance published by the Engineering Council or a successor regulatory body.

22.3 A fundamental duty of all members is to abide by a Code of Professional Conduct and to co-operate with a Disciplinary Process.

The detailed Code of Conduct, Disciplinary Procedure and Appeals Procedure is set out in Section 6 and 7 of the IAgrDE Regulations dated May 2017.

2. Context

Members of the Institution of Agricultural Engineers (IAgrE) are required to uphold the reputation of the Institution and the industry it serves, safeguard the public interest, observe the governing rules and regulations and comply with the Code and Rules of Professional Conduct.

The primary purpose of this procedure is to protect the public, to maintain public confidence in the integrity of IAgrE and its partners and to uphold proper standards to behaviour.

In providing a Code and Rules of Professional Conduct, IAgrE is cognisant of the obligations and requirements for Codes of Conduct set out by the Engineering Council and Society for the Environment, together with the Seven Principles of Public Life and other documents covering Ethics, Whistleblowing, Risk and Sustainability.

The Code and Rules of Professional Conduct and associated reference documents are available on the IAgrE website <http://www.iagre.org>

Where a member is alleged to have breached the Codes and Rules of Professional Conduct or has been convicted of or accepted a caution for a criminal offence, then an investigation will be conducted in a clear, open, fair and unbiased manner as outlined below.

3. Preliminary Investigation

The following process will be followed:

- Complaints or allegations shall be submitted in writing to the Registered Address of the IAgrE.
- Upon receipt the Chief Executive shall inform the member concerned, giving him or her the opportunity to respond, and the IAgrE president.
- The IAgrE president shall convene a Preliminary Investigation Committee (PIC) comprising one senior member of the IAgrE Executive and one Lay Member.
- The PIC shall consider the complaint, any supporting evidence and any response from the subject and shall determine whether or not there is a case to answer.
- If there is a case to answer, a disciplinary hearing will be needed.
- If there is no case to answer, the complaint shall be dismissed and the complainant and the subject shall be informed.
- The complainant has a right to appeal against a 'no case to answer' outcome within 30 days (see Right of Appeal).
- Records need only be maintained until the time allowed for the complainant to appeal against the decision has elapsed.
- Where there is a case to answer, the PIC should determine whether any criminal or civil court proceedings relating to the alleged misconduct are likely or under way. If so, the disciplinary hearing should not proceed until court proceedings, including any appeal, are complete.
- A member who resigns or whose membership lapses through non-payment of subscriptions after a complaint has lodged shall remain in membership until completion of the disciplinary process.

4. Disciplinary Hearing

The following process will be followed:

- A disciplinary hearing shall be conducted by a Disciplinary Panel (DP), appointed by the IAgrE President, of not less than three experienced and trained persons including one member of the IAgrE Executive, one member of the Membership Committee and one Lay Member.
- Members of the DP will not have been part of the Preliminary Investigation Committee.
- The DP shall collect, examine and clarify evidence.
- The complainant and the subject of complaint (the subject) shall have timely access to evidence and responses.
- The DP shall arrange a hearing – to which all parties are invited – giving not less than 14 days notice.
- Parties involved are entitled to be accompanied by a 'next friend' who may be a qualified legal advisor instructed to represent them, including to speak on their behalf.
- The DP should consider adjourning the hearing if the subject is unable to be present or be represented. If the member concerned has declined to be present or has not responded by the date of the hearing, the hearing shall proceed without the subject being present.
- The hearing must be conducted with transparent fairness and will normally comprise a statement (from the DP) of the complaint and any supporting evidence, followed by a reply (from the subject or their representative) with evidence which is open to cross-examination. Evidence may also include written statements.
- The complainant, although invited to attend, is not entitled to speak unless called as a witness.
- If the complaint is admitted or upheld, the DP determines which section(s) of the Regulations or Code of Professional Conduct has been breached and decides what sanction, if any, to apply.
- The complainant and subject will be notified of the outcome of the disciplinary hearing, and the Right of Appeal within 10 working days.

Right of Appeal

Any person aggrieved by the decision of the Institution may within 60 days from the date of the posting of the decision, appeal to the Council of the Institution against the decision. Such an appeal shall be delivered in writing to the Secretary of the Institution at its registered office and shall specify the grounds on which the appeal is based.

An appeal can only be made on one or more of the following grounds, which must be clearly stated:

- Jurisdiction (whether the alleged misconduct is within the scope of the Rules and Codes of Conduct).
- Procedure (procedures were not followed).
- Perversity (the decision was perverse in the light of the evidence).
- New evidence which could not reasonably have been produced at the Disciplinary Hearing.
- Proportionality (the sanction was disproportionate to the gravity of the breach).

The Council of the Institution shall act as the appeals body and shall consider the appeal at the next meeting of Council. The appeal shall be conducted in a manner consistent with natural justice, allowing the person mounting the appeal the following rights:

- (a) to attend in person and to be heard either in person or through a representative;
- (b) to submit evidence in writing in support of the appeal.

The determination by the Council of the appeal shall be final. The Secretary of the Institution shall communicate the decision of Council in writing to the individual at their last known address.

Any member has the right of final appeal to the Engineering Council and or the Society for the Environment where any decision taken by the Institution has an effect on the registration status, with the Engineering Council or the Society for the Environment.

6. Sanctions and Costs

Sanctions are likely to comprise one or more of the following courses of action:

- (a) to warn the relevant individual;
- (b) to reprimand or severely reprimand the relevant individual;
- (c) to require the relevant individual to give an undertaking to refrain from continuing or repeating the conduct which is found to have caused the complaint or to give such other undertaking as the Institution considers appropriate;
- (d) to suspend the member from membership of the Institution for such period as the Institution shall think fit;
- (e) to remove the name of the member from the register of members of the Institution;
- (f) to report the complaint, the consequent course of action and the outcome to the Engineering Council and/or the Society for the Environment.

An order for costs may be appropriate if for example the Institution had found it necessary to engage a qualified legal advisor.