

Proposals to Revise Rules Relating to CIOBS Disciplinary Procedures

1. Introduction

- 1.1 At the Institute's Council meeting in October this year, a series of proposed changes to the Institute's Rules and Regulations relating to discipline were agreed. Council believes that the proposed changes would be helpful in (a) improving and streamlining the Institute's current disciplinary procedures, and (b) meeting likely future requirements set by regulators should the Institute become an "accredited" professional body.
- 1.2 In reviewing the Institute's current disciplinary procedures, and proposing changes to these, factors taken into consideration included:
 - Ways in which the Institute could avoid, in future, needing to ask the Privy Council for approval when relatively minor changes needed to be made to disciplinary procedures due to regulatory or other changes;
 - How other, comparable professional bodies approach these matters;
 - Streamlining what was commonly agreed to be a rather cumbersome approach to disciplinary matters;
 - The Institute's responsibilities – current and future – to communicate with regulators;
 - Introducing the possibility of a wider range of sanctions; and
 - Being explicit about the extent of publicity of any action taken by the Institute against a member.

2. Recommendations

- 2.1 It is proposed that current Rules 22-25 (attached) are deleted, and replaced with less prescriptive rules (also attached), making reference to Regulations in which the detail of the Institute's disciplinary procedures is set out.
- 2.2 SGM approval is sought for the proposed changes to the Rules, which then need to be submitted to the Privy Council for final approval. Once such approval is gained, Council may then agree and adopt detailed Regulations relating to disciplinary matters.
- 2.3 A proposed set of "Disciplinary Regulations" has already been drafted, based in part on existing procedures and taking account of the approach adopted by other, comparable professional bodies. These regulations are intended to replace current Regulation 6, which expands on current Rules 22-25. Draft Disciplinary Regulations are attached below for information only, together with flowcharts to help members understand the proposed new procedures. The SGM will not be asked to approve the draft Disciplinary Regulations.

EXTRACT FROM CURRENT RULES

DISCIPLINE

22. Preliminary Screening

Any complaint regarding the conduct of a member shall be referred in the first instance to the Chief Executive who, if satisfied that the matter involves only a minor breach of the regulations, may either admonish the member concerned or determine that no further action shall be taken. Otherwise he or she shall refer the complaint to an Investigating Committee appointed under the following Rule.

23. Investigating Committee

(a) Following the referral of a complaint under the previous Rule, an Investigating Committee shall be appointed by the Council from among its members, consisting of not less than three nor more than five members, of whom three shall form a quorum.

(b) Subject to any directions from or Regulations made by the Council, and to these Rules, the Investigating Committee shall regulate its own procedure, and shall have power to seek information from any source.

(c) The member against whom the complaint has been made shall be notified in writing of the nature of the complaint, of the date on which the matter is to be considered by the Investigating Committee, and of his or her right to be represented, to speak, to call or cross-examine witnesses at the hearing, and to submit evidence.

(d) The Investigating Committee, having heard the case may determine that:

(i) no further action be taken; or

(ii) the member concerned should be admonished; or

(iii) the member may have been guilty of unprofessional or unacceptable conduct as defined in Council Regulations, and the case be referred to a Disciplinary Committee appointed under the following Rule.

24. Disciplinary Committee

(a) Following the referral of a case under the previous Rule, a Disciplinary Committee shall be appointed by the Council from amongst its members (other than those who have served on the Investigating Committee which has heard the same case), including at least one —lay|| member, and consisting of not less than three nor more than five members, of whom three shall form a quorum.

(b) The provisions of Rule 23(b) and (c) above shall apply, mutatis mutandis, to the Disciplinary Committee.

(c) The Disciplinary Committee, having heard the case, may determine that

(i) no further action be taken; or

(ii) the member concerned be admonished; or

(iii) in a case where the complaint is in respect of misconduct in the Institute examinations by a member taking examinations that any passes in current or previous diets of examination be cancelled; or

(iv) the member concerned be suspended or expelled from membership of the Institute

25. Appeal

(a) Any member notified by the Disciplinary Committee of his or her proposed suspension, or expulsion from membership, or cancellation of examination passes, may appeal to the Council by writing to the Chief Executive within 21 days of receipt of the notification (which shall be deemed to have been received two days after posting) and stating the grounds of appeal which shall not thereafter be amended except with the consent of the Council. No member of the Investigating Committee or the Disciplinary Committee involved in the case shall participate in the Council's deliberations. For the purpose of hearing the appeal the Council Meeting, specially convened for that purpose, shall be chaired by a lawyer who is not a member of the Institute. As soon as practicable the Chief Executive shall notify the member of the time and place fixed for the hearing of the appeal. The member shall be given a reasonable opportunity to be heard and may be represented by Counsel or a solicitor at the hearing. The Institute may also instruct Counsel or a solicitor to act on its behalf during an appeal. The Council may proceed in the absence of the member provided it is satisfied that notice of the hearing was properly served. The Council shall, upon the request of the individual, hear the appeal in public except in circumstances where the European Convention on Human Rights permits the Press and Public to be excluded from all or part of the hearing.

(b) On any appeal the Council may by simple majority vote, confirm, vary or rescind any determination of the Disciplinary Committee.

PROPOSED AMENDMENTS TO RULES RELATING TO DISCIPLINE FOR SGM APPROVAL

PROFESSIONAL CONDUCT

22. (a) The Institute shall maintain a Code of Professional Conduct setting out the ethical and professional attitudes and behaviours expected of members. All members, including student and affiliate members, are bound by the Code.
- (b) The Code of Professional Conduct and related guidance shall be published by the Institute and will be periodically updated by Council.
- (c) The Institute may investigate members alleged to have breached the Code of Professional Conduct and take disciplinary action against members found to have breached the Code.
23. (A complaint in relation to an alleged breach of the Code of Professional Conduct by a member shall be investigated in the first instance by the Institute's Chief Executive, or their nominated deputy.
- (b) Where the complaint falls within the jurisdiction and competence of the Institute, and appears to be substantiated by *prima facie* evidence that a member has materially breached the CIOBS Code of Professional Conduct, the Chief Executive, or his nominated deputy, shall refer the matter to a Disciplinary Committee established in accordance with the Institute's Disciplinary Regulations.
- (c) Where the Chief Executive, or his nominated deputy, is satisfied that there is sufficient evidence to determine that a complaint involves only a minor breach of the CIOBS Code of Professional Conduct, he may admonish the member concerned and/or ask for written assurances that similar breaches will not occur in the future.
- (d) Where the complaint does not fall within the jurisdiction and competence of the Institute, or there is a lack of *prima facie* evidence that a member has materially breached the CIOBS Code of Professional Conduct, the Chief Executive, or his nominated deputy, may determine that no further action should be taken.
24. Sanctions may be imposed by a Disciplinary Committee on members who are found to have breached the Code of Professional Conduct. Details of sanctions shall be set out in the Institute's Disciplinary Regulations.
25. Members may appeal against the findings of a Disciplinary Committee, and any sanctions imposed, in accordance with the Appeals Process set out in the Institute's Disciplinary Regulations.

FOR INFORMATION ONLY: EXTRACT FROM REGULATIONS (CURRENT)

5. Code of Professional Conduct

Members should abide by the basic principles laid down in the Code of Professional Conduct. The Code and related guidance is published by the Institute and will be periodically updated by Council.

6. Discipline

6.1 With reference to the interpretation of Rules 22 and 23 (d) (iii) Council has identified six instances when it may be appropriate for an Investigating Committee to be convened to investigate possible unprofessional or unacceptable conduct by one or more members. These are when the Institute is formally notified, or becomes aware that:

- a) Criminal sanctions have been imposed;
- b) Sanctions have been imposed by a statutory regulator such as the Financial Services Authority (FSA);
- c) A member has been dismissed by their employer for misconduct;
- d) A member is believed to have knowingly breached the Institute's CPD requirements;
- e) A student is suspected of misconduct in respect of the Institute's course rules and regulations; or
- f) A member may have brought the Institute into disrepute.

6.2 With reference to 6.1 (e) above, student misconduct may include, but is not limited to:

- a) Provision of false information with respect to existing qualifications;
- b) Plagiarism in respect of course assignments; or
- c) Breach of the relevant examination conditions.

6.3 With reference to 6.1 (f) above, bringing —the Institute into disrepute|| refers to any action by one or more members which could be considered detrimental to the aims and objectives of the Institute or its good standing. The Investigating Committee must be satisfied that there is a clear and direct relationship between the member or members' actions and the reputation of the Institute before action may be considered.

6.4 With reference to the interpretation of Rule 24 (c) (ii) the Disciplinary Committee shall determine the content and format of any admonishment to be delivered. In doing so, the Committee may also direct that a record of the complaint should be noted on the member's record for a defined period of time.

6.5 With reference to the interpretation of Rule 24 (c) (iii), other sanctions may be considered from time to time and will be detailed in the appropriate course rules and regulations, for example, where a student has been found guilty of misconduct in a regulatory examination, the Disciplinary Committee may choose to report this to the relevant Regulator.

6.6 With reference to the interpretation of Rule 24 (c) (iv) the Disciplinary Committee may impose a period of suspension. During this period, the benefits of membership of the Institute will be withdrawn, including the use of membership grades, Chartered Banker status, Professional Mortgage Adviser (PMA) status and designatory letters. The Committee may wish to consider setting conditions upon the lifting of a suspension, which might include:

- a) setting a defined or a minimum time period before the suspension may be lifted;
- b) calling for a written undertaking as to future conduct; or
- c) a requirement to undertake specific training in, for example, professionalism and ethics.

6.7 With reference to the interpretation of Rules 24 and 25, decisions of the Disciplinary Committee (subject to Rule 25) and of Council will be notified to the member against whom the complaint has been made and to Council (in the case of Decisions of the Disciplinary Committee) at the earliest practicable opportunity, and will take immediate effect. The extent of publication will be at the discretion of the Disciplinary Committee. Publication may include notifying employers, particularly in the case of student misconduct.

FOR INFORMATION ONLY: DRAFT DISCIPLINARY REGULATIONS

1. Introduction

(a) All individuals working in the banking and financial services industry are required to act in a fair and honest manner. This is to protect the interests of consumers, colleagues and counterparties; and the wider interests of society as a whole. As a minimum, compliance with legislation, regulation and industry/employer codes and standards is expected.

(b) Membership of the Chartered Institute of Bankers in Scotland brings with it additional responsibilities. All members are expected to display the highest standards of professionalism and a commitment to ethical conduct, giving at all times due care and consideration to others and putting the public interest first.

(c) To help members maintain these high standards, the Code of Professional Conduct sets out the ethical and professional attitudes and behaviours expected of members. All members, including student and affiliate members, are bound by the Code.

(d) The Institute may begin disciplinary proceedings under Rule 23 when a breach of the Code of Professional Conduct may have occurred, for example when:

- i) Criminal sanctions have been imposed on a member;
- ii) Sanctions have been imposed by a regulator or other competent body;
- iii) The Institute is informed that a member has been dismissed by their employer for misconduct;
- iv) A member is believed to have knowingly breached the Institute's CPD requirements;
- v) A student is suspected of misconduct in respect of the Institute's course rules and regulations, including providing false information with respect to existing qualifications, plagiarism in respect of course assignments, and breaching relevant examination conditions;
- vi) A member may have brought the Institute into disrepute (there must be a clear and direct relationship between the member's actions and the reputation of the Institute); or
- vii) A member's action or actions are believed to have breached one or more elements of the Code.

(e) Where a complaint is made that a member has allegedly breached the Code of Professional Conduct, Rule 23 provides for a Disciplinary Committee

to be established in accordance with these Regulations, following preliminary screening.

(f) In accordance with Rule 24, sanctions may be imposed by a Disciplinary Committee on members who are found to have breached the Code of Professional Conduct. Details of sanctions that may be imposed are set out in these Regulations.

(g) In accordance with Rule 25, members may appeal against the findings of a Disciplinary Committee, and any sanctions imposed, following the Appeals Process set out in these Regulations.

(h) These regulations may be periodically updated by Council, as required.

2. Preliminary Screening

a) Any complaint from a member of the public regarding the conduct of a member shall be made in writing to the Institute's Chief Executive. In the event of any complaint being made about the Chief Executive, the complaint should be addressed to the President.

b) Institute staff and associated personnel may initiate a complaint against a member when they become aware of a possible breach of the Code of Professional Conduct by a member (e.g. submitting false information, contravening the Institute's examinations regulations, failure to meet the Institute's Continuing Professional Development requirements). The individual initiating the complaint should bring this to the attention of the Institute's Chief Executive in writing, or to the President should the subject of the complaint be the Chief Executive.

c) On receipt of a complaint, the Chief Executive or his nominated deputy, or the President when the subject of the complaint is the Chief Executive, shall determine whether:

(i) the matter falls within the jurisdiction and competence of the Institute;

(ii) the matter is currently or likely to be considered by a court of law, regulatory tribunal, professional body or similar with prior or superior jurisdiction;

(iii) the matter is one that should reasonably be dealt with by the member's employer;

(iv) there is a realistic prospect that the Institute can collect the evidence required to conduct a fair hearing into matter; or

(v) the complaint appears to be of a vexatious or frivolous nature, and unworthy of further investigation.

d) Where the complaint falls within the jurisdiction and competence of the Institute, and appears to be substantiated by *prima facie* evidence that a member has materially breached the CIOBS Code of Professional Conduct, the Chief Executive, or his nominated deputy, shall refer the matter to a Disciplinary Committee established in accordance with Disciplinary Regulation 4 below.

e) Where the Chief Executive, or his nominated deputy, is satisfied that there is sufficient evidence to determine that a complaint involves only a minor breach of the CIOBS Code of Professional Conduct, he may admonish the member concerned and/or ask for written assurances that similar breaches will not occur in the future. The Chief Executive shall report such action, and the outcomes of any such action to Council, which may at its sole discretion determine that the matter be referred to a Disciplinary Committee be established in accordance with Disciplinary Regulation 4 below.

f) Any member admonished for a minor breach of the CIOBS Code of Professional Conduct may appeal by writing to the Chief Executive within 21 days of notification of the admonishment (which shall be deemed to have been received two days after posting). The appeal will be dealt with by an Appeals Panel constituted in accordance with Disciplinary Regulations 9-11 below.

g) Where a member fails to provide satisfactory written assurances as to their future conduct the Chief Executive, or his nominated deputy, shall refer the matter to a Disciplinary Committee established in accordance with Disciplinary Regulation 4 below.

h) Where the complaint does not fall within the jurisdiction and competence of the Institute, or there is a lack of *prima facie* evidence that a member has materially breached the CIOBS Code of Professional Conduct, the Chief Executive, or his nominated deputy, may determine that no further action should be taken.

i) In all cases, the Chief Executive, or his nominated deputy, shall respond to the complainant within 14 days of the receipt of a complaint setting out how the complaint shall be dealt with.

3. Stay of Proceedings

(a) If the Chief Executive, or his nominated deputy, determines that a complaint appears to be substantiated by *prima facie* evidence that a member has breached the CIOBS Code of Professional Conduct, but is aware that the matter is currently or likely to be before a court of law, regulatory tribunal, professional body or similar with prior or superior jurisdiction then further investigation of the complaint and the establishment of a Disciplinary Committee may be stayed pending the outcome of the other proceedings.

4. Disciplinary Committee

(a) Following the referral of a complaint under Rule 23, a Disciplinary Committee shall be appointed by the Council from among its members, consisting of three members, including one lay member. One of the members of the Disciplinary Committee shall be appointed as Chairman, who shall report the Committee's findings to Council.

(b) Subject to any directions from or Regulations made by the Council, the Disciplinary Committee shall regulate its own procedure, and shall have power to seek information from any source.

(c) The Chief Executive, or his nominated deputy, shall act as Secretary to the Disciplinary Committee.

5. Disciplinary Committee – Procedure in Advance of Hearings

(a) Within 14 days of the establishment of a Disciplinary Committee to consider a complaint referred by Chief Executive, or his nominated deputy, the member against whom the complaint has been made shall be notified in writing of the nature of the complaint, of the date on which the matter is to be considered by the Disciplinary Committee, and of his or her right to be represented, to speak, to call or cross-examine witnesses, and to submit evidence. Notice shall be deemed to have been received two days after posting.

(b) The member concerned shall be notified of the date on which the matter is to be considered by the Disciplinary Committee no later than 28 days before the proposed hearing date. Notice shall be deemed to have been received two days after posting.

(c) The member concerned shall be provided with the following documents and information no later than 28 days before the hearing:

(i) A copy of the Institute's Rules and Regulations, highlighting the Rules and Regulations pertinent to disciplinary proceedings;

(ii) A copy of the Institute's Code of Conduct in force at the time the events complained of took place;

(iii) A summary of the complaint; and

(iv) Copies of any witness statements, other written evidence pertinent to the complaint and any evidence of mitigating circumstances to be considered by the Disciplinary Committee in the course of its deliberations.

(d) The member shall confirm in writing to the Disciplinary Committee Secretary whether he attends to appear in person and/or be represented no later than 14 days before the hearing.

(e) The member shall provide the Secretary with details of any witnesses he proposes to call and copies of any witness statements, written evidence on which he proposes to rely and details of any mitigating circumstances no later than 7 days before the hearing.

6. Disciplinary Committee – Hearings

(a) All complaints referred to a Disciplinary Committee shall be the subject of a public hearing except where the Chairman (with the prior approval of Council) decides otherwise.

(b) A hearing may proceed in the absence of the member against whom a complaint has been made and should not normally be delayed because witnesses cannot attend. Arrangements may be made, where practicable, for members and witnesses to participate via teleconference.

(c) At the commencement of the hearing the Chairman shall introduce the members of the Disciplinary Committee, ensure that the member concerned has received notice of the hearing and relevant documentation as set out in Regulation 5 above, and state the procedure to be followed by the Committee. The Chairman shall state that minutes of the Committee hearing will be taken, and a summary of these (in the form of the Disciplinary Committee's Findings) shall be made available to the member against whom a complaint has been made.

(d) The Chairman shall then invite the Disciplinary Committee Secretary to set out the nature of the complaint against the member, and the evidence on which the complaint is based. The Chairman and members of the Disciplinary Committee may question the Disciplinary Committee Secretary on the nature of the complaint and the evidence on which the complaint is based.

(e) The Chairman shall then invite the member against whom a complaint has been made, or his representative, to respond to the complaint and the evidence on which the complaint is based. The member concerned may choose to admit some or all of the complaint, or to reject the complaint in its entirety. The Chairman and members of the Disciplinary Committee may question the member against whom a complaint has been made, or his representative, on his response and on evidence submitted.

(f) The Chairman shall then call witnesses, if available to give evidence. No witness may be called unless a witness statement signed by the witness has been provided to all other parties in advance in accordance with Regulation 5 above.

(g) The Chairman and members of the Disciplinary Committee, and the member against whom a complaint has been made, or his representative, may put questions to and cross-examine witnesses.

(h) Once satisfied that all relevant evidence has been heard, the Chairman shall invite the member against whom a complaint has been made, or his representative, to make a closing statement, if wished.

(i) The Disciplinary Committee shall then retire to consider whether the member concerned has, in its view, materially breached the CIOBS Code of Professional Conduct. In most cases, it is anticipated that the Committee will reach a decision via consensus, although the Chairman may choose to call a vote where this is not possible. All members of the Disciplinary Committee shall be entitled to vote, including the Chairman. Once a decision has been reached, the Disciplinary Committee shall reconvene to announce its findings.

(j) Where the Disciplinary Committee concludes that a member has not materially breached the CIOBS Code of Professional Conduct, the member concerned will be acquitted. With the member's consent, the Disciplinary Committee may publish its findings publicly. This is likely to be the case when considerable public interest has been expressed in the outcome of a hearing.

(k) Where any part of the complaint has been upheld then the Committee will consider the imposition of one or more sanctions, as set out in Regulation 7 below, and the extent of any publicity, as set out in Regulation 8 below.

(l) Before considering what, if any sanctions may be appropriate, the Chairman shall ask the member concerned, or their representative, for details of any mitigating circumstances that the Disciplinary Committee should take into account. Copies of any written statement of mitigating circumstances will be made available to the Committee by the Disciplinary Committee Secretary.

(m) The Disciplinary Committee will retire to consider what, if any sanctions to impose and the extent of any publicity of the case. In most cases, it is anticipated that the Committee will reach a decision via consensus, although the Chairman may choose to call a vote where this is not possible.

(n) Once a decision has been reached, the Disciplinary Committee shall reconvene to announce the sanctions to be imposed and the extent of any publicity.

(o) The Chairman shall state that a written record of the Disciplinary Committee's decision and any sanctions imposed will be communicated to the member concerned within 14 days.

(p) The Chairman shall, where appropriate, remind the member concerned, or their representative, of their right to appeal in accordance with Rule 25 and Regulations 9-11 below.

7. Sanctions

(a) Where a member is found to have materially breached the Code of Professional Conduct, the Disciplinary Committee may impose one or more of the following sanctions:

(i) The member may be admonished (the Disciplinary Committee shall determine the content and format of any such admonishment);

(ii) A record of the complaint be noted on the member's record for a specified period;

(iii) All or any of the member's benefits and privileges of membership be withdrawn for a specified period;

(iv) The member be required at his own expense to attend such additional training or complete additional tests or examinations as directed by the Disciplinary Committee;

(v) Any passes in current or previous diets of examinations be cancelled;

(vi) The member be required to re-sit one or more examinations;

(vii) The member be suspended from membership of the Institute for a specified period. During this period, the benefits of membership of the Institute will be withdrawn, including the use of professional titles and designatory letters. The Disciplinary Committee may consider setting conditions for the lifting of any such suspension;

(viii) The member be expelled from membership of the Institute (the Disciplinary Committee shall determine whether the member may be permitted to re-apply for membership at some future date and, if so, what if any conditions should apply); and/or

(ix) Such other sanction that the Committee considers reasonable, proportionate and appropriate.

(b) Sanctions imposed on a member shall not take effect until the appeals procedure (see Regulations 9-11 below) has been exhausted.

8. Publicity

(a) Details of Disciplinary Committee decisions and any sanctions imposed on a member shall be shared with regulators and other professional bodies as may be required, consistent with the obligations of the Institute.

(b) Details of Disciplinary Committee decisions and any sanctions imposed on a member may also be shared with the member's employer, at the discretion of the Disciplinary Committee.

(c) A summary of Disciplinary Committee decisions and any sanctions imposed on a member shall be made publicly available, at the discretion of the Disciplinary Committee. Any information published will usually not extend beyond the name of the member, the nature of the complaint made against them, the Disciplinary Committee's decision and the sanctions imposed.

(d) Details of Disciplinary Committee decisions and any sanctions imposed on a member shall not be publicized until the appeals procedure (see Regulations 9-11 below) has been exhausted.

9. Appeals Procedure

(a) Members may appeal against the findings of the Disciplinary Committee, and sanctions imposed, by writing to the Chief Executive within 21 days of receipt of notification of the findings and sanctions imposed (which shall be deemed to have been received two days after posting) and stating the grounds of appeal.

(b) The only permitted grounds of appeal are that the findings of the Disciplinary Committee and sanctions imposed were:

(i) Based on an error of law or fact;

(ii) Unjust because of a serious procedural error or irregularity; or

(iii) Disproportionate to the breach of the Code of Professional Conduct (in the case of sanctions imposed).

(c) Where the Chief Executive, or his nominated deputy, believes there are substantive grounds for an appeal he shall refer the matter to an Appeals Panel established in accordance with Regulation 10 below. Where there are no substantive grounds for an appeal, the Chief Executive or his nominated deputy shall notify the member concerned within 14 days.

(d) Within 14 days of the referral of a case to an Appeals Panel, the member concerned shall be notified in writing of the date on which the appeal is to be held, and of his or her right to be represented, to speak, to call or cross-examine witnesses, and to submit evidence.

(e) The member concerned shall be notified of the date on which the appeal is to be held no later than 28 days before the proposed date. Notice shall be deemed to have been received two days after posting.

(f) The member shall confirm in writing to the Chief Executive whether he attends to appear in person and/or be represented no later than 14 days before the date set for the appeal to be heard. At the same time, the member shall provide the Chief Executive with details of the grounds for appeal, any witnesses he proposes to call and copies of any witness statements, written evidence on which he proposes to rely and details of any mitigating circumstances not already taken into account by the Disciplinary Committee.

10. Appeals Panel

(a) Following the referral of a case under Rule 25 and Regulation 9(c) an Appeals Panel shall be appointed by the Council from among its members, consisting of three members, including one lay member. No member of the Disciplinary Committee involved in the case shall participate. One of the

members of the Appeals Panel shall be appointed as Chairman, who shall report the Panel's findings to Council.

(b) Subject to any directions from or Regulations made by the Council, and to these Rules, the Appeals Panel shall regulate its own procedure, and shall have power to seek information from any source.

(c) The Chief Executive, or his nominated deputy, shall act as Secretary to the Appeals Panel.

11. Appeals Panel – Procedure

(a) All complaints referred to an Appeals Panel shall be the subject of a public hearing except in circumstances where the European Convention on Human Rights permits the Press and Public to be excluded from all or part of the hearing.

(b) An appeal may proceed in the absence of the member against whom a complaint has been made and should not normally be delayed because witnesses cannot attend. Arrangements may be made, where practicable, for members and witnesses to participate via teleconference.

(c) At the commencement of the appeal the Chairman shall introduce the members of the Appeals Panel, ensure that the member concerned has received notice of the appeal and relevant documentation as set out in Regulation 9 above, and state the procedure to be followed by the Panel. The Chairman shall state that minutes of the appeal will be taken, and a summary of these shall be made available to the member against whom a complaint has been made.

(d) The Chairman shall then invite the Secretary to the Appeals Panel to summarize the original complaint, Disciplinary Committee decision and any sanctions imposed. The member concerned, or his representative, shall then be invited to state the grounds for appeal against the Disciplinary Committee decision and sanctions imposed, and submit any evidence supporting the grounds for appeal. The Chairman and members of the Appeals Panel may question the member concerned, or his representative, on the grounds for appeal and the evidence submitted.

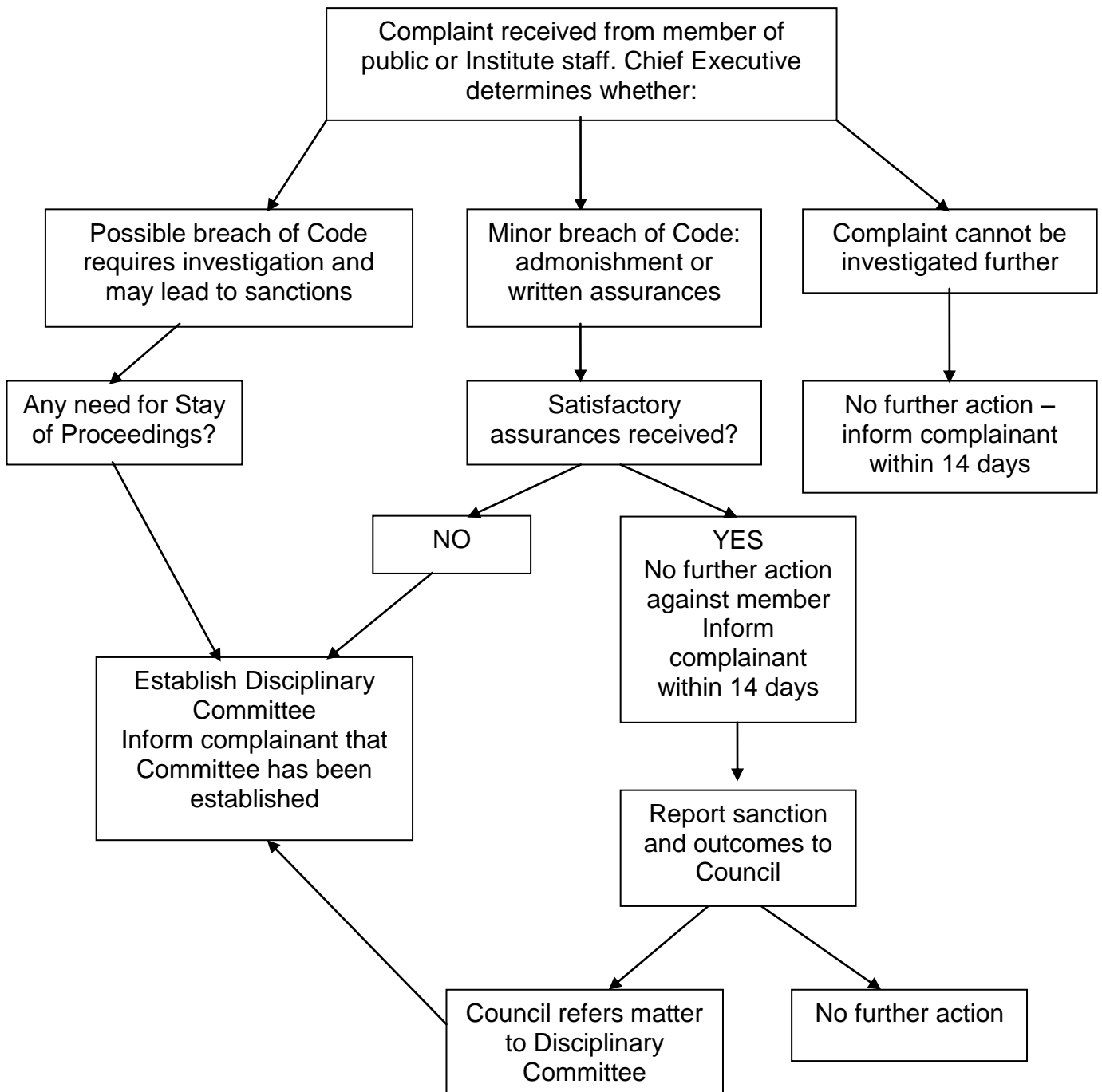
(e) The Appeals Panel shall then retire to review the Disciplinary Committee's decision, and any sanctions imposed, in respect of the evidence presented to that Committee, any statements made in mitigation, and any evidence presented to the Appeals Panel. The Panel shall either affirm or vary the Disciplinary Committee's decision, and affirm or vary the sanctions imposed by the Committee. In most cases, it is anticipated that the Panel will reach a decision via consensus, although the Chairman may choose to call a vote where this is not possible. All members of the Appeals Panel shall be entitled to vote, including the Chairman.

(f) Where the Appeals Panel chooses to vary the Disciplinary Committee's decision by concluding that a member has not materially breached the CIOBS Code of Professional Conduct, the member concerned will be acquitted. With the member's consent, the Appeals Panel may publish its findings publicly. This is likely to be the case when considerable public interest has been expressed in the outcome of an appeal.

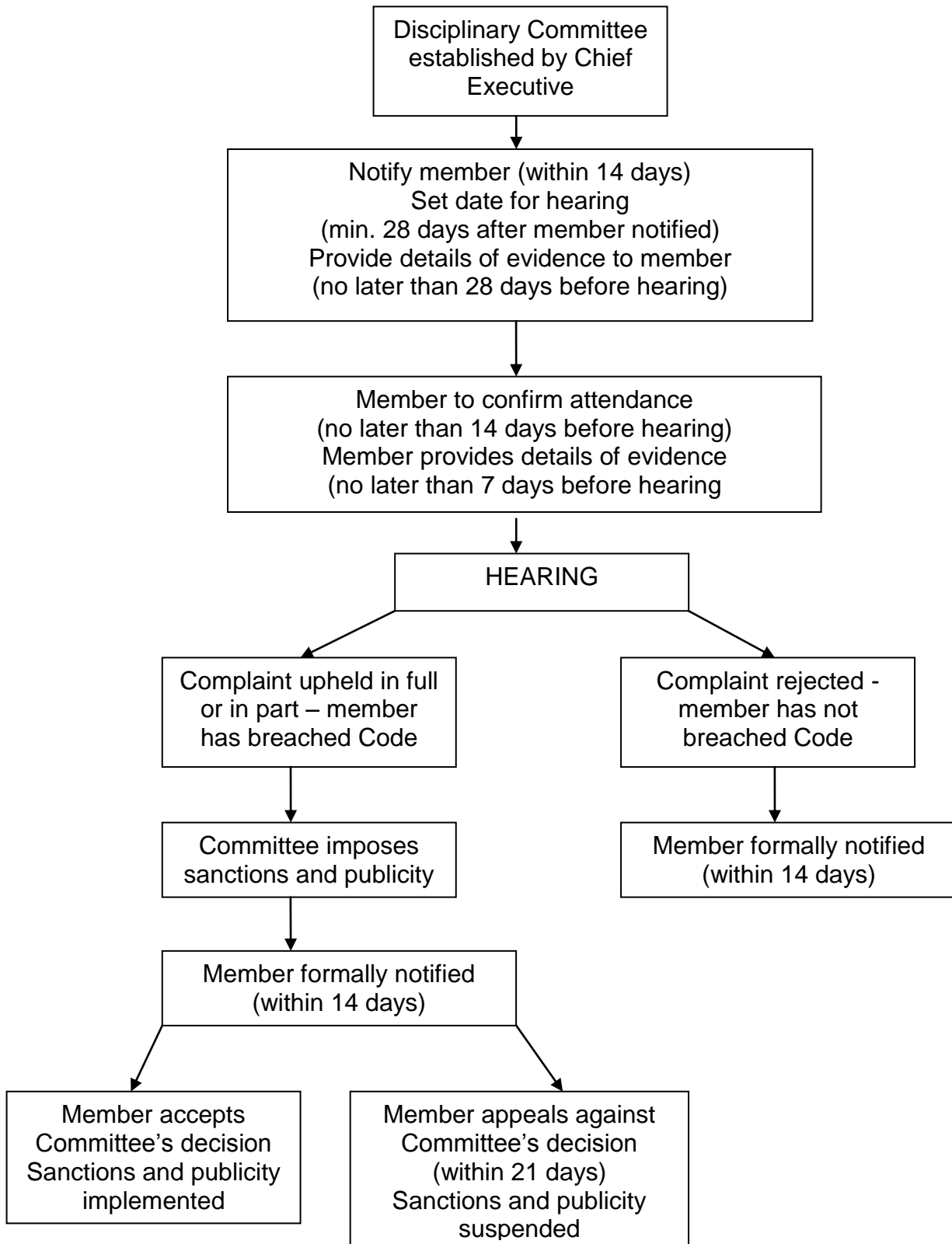
(g) Once a decision has been reached, the Appeals Panel shall reconvene to announce its findings. The Chairman shall state that a written record of the Panel's decision will be communicated to the member concerned within 14 days.

(h) All decisions of the Appeal Panel are final, shall take immediate effect and are binding on all parties.

Appendix 1: Complaint Handling



Appendix 2: Disciplinary Committee Procedure



Appendix 3: Appeals Procedure

