

INTERNATIONAL PROFESSIONAL SECURITY ASSOCIATION

DISCIPLINE RULES

1. INTRODUCTION:

These rules were made by the International Council on the 4 July 1998 in accordance with Article 6(5)(a) of the Constitution.

The International Council shall be responsible for monitoring the application of these rules and have the authority to determine any questions that may arise concerning their interpretation. The words "Association", "Chairman", "Member", "he" and "him", shall have the same meaning as described in the Constitution.

2. AIMS AND OBJECTIVES:

To provide guidance for persons engaged in complaints made against members of the Association.

3. SCOPE:

Only alleged contraventions of the Association's Constitution, Rules, Ethical Code of Conduct and directives of the International Council, may be dealt with under these rules.

4. PROCEDURE FOR MAKING A COMPLAINT:

- 4.1. Any person wishing to make a complaint against any member of the Association, should submit the complaint in writing.
- 4.2. In order to discourage malicious, or frivolous complaints, a complainant will be required to deposit the sum of £200 (two hundred pounds) with the Association. This money will be returned to the complainant when the enquiry is completed, provided that the International Council is satisfied that the complaint was neither malicious nor frivolous. Where the International Council deems that the complaint was either malicious or frivolous, this sum of money will be used to offset the cost of the enquiry.
- 4.3. The written complaint should include the identity of the person making the complaint, their signature, the substance of the complaint and if possible the identity of the accused member.
- 4.4. Complaints shall be sent to the Association Secretary at the Association's Head Office, under sealed cover, clearly marked "Confidential".
- 4.5. Upon receipt of a complaint, a letter of acknowledgement will be sent to the complainant. (See Appendix "A").
- 4.6. Details of the complaint will be recorded in the "Complaints Register", under a unique reference number. The Association Secretary, or, other nominated person, approved by the Deputy International Chairman (D.I.C.), will be responsible for the register, which will be kept under confidential cover.
- 4.7. A copy of the written complaint and a copy of the letter of acknowledgement will be forwarded to the D.I.C. and the Quality Manager (Q.M.) marked "Confidential".
- 4.8. On receipt of the complaint the Q.M will cause preliminary enquiries to be carried out and inform the D.I.C of the result of those enquiries. The D.I.C will then direct appropriate further action.

5. SUSPENSION OF MEMBERSHIP:

- 5.1. If the D.I.C and the Q.M consider it necessary, the D.I.C may suspend membership of any category pending the result of an investigation.
- 5.2. If a complaint is about a Regional Council, then a Discipline Committee, comprising of three independent members of the International Council may authorise suspension of the Regional Council, pending the result of an investigation.
- 5.3. A written suspension notice must be sent to the accused member by recorded delivery, marked "Confidential". The notice should inform the accused member of the reason for the suspension. The Association Secretary and the accused member's Regional Secretary should also be informed of the suspension. In the event of the suspension of a Regional Council a "Notice of Suspension" should be served upon the Regional Chairman and the Regional Secretary.

6. INFORMING THE ACCUSED MEMBER OF A COMPLAINT:

- 6.1. The Q.M will cause a "Notice of Complaint", outlining the allegation/s and a copy of the Discipline Rules to be served on the accused member as soon as practicable by recorded delivery. The Notice shall invite the accused member to respond to the complaint within 14 days of receipt of the notice.
- 6.2. When the accused member's response is received, or, if no response is received, the Q.M will liaise with the D.I.C, who will decide whether an attempt should be made to resolve the complaint informally or, whether it needs to be formally resolved.

7. INFORMAL RESOLUTION:

- 7.1. Informal resolution is intended to provide a flexible and simple procedure for dealing with complaints other than those of a serious nature which would require a full investigation.
- 7.2. The D.I.C may request that the Q.M or other independent member of the International Council liaise with the complainant and the accused member to assess the validity of the complaint and endeavour to resolve the matter by consultation and conciliation.
- 7.3. If, at the conclusion of these consultations, the assessor considers that the matter should be resolved informally, he will notify both parties in writing of his assessment and recommendations and invite them to respond in writing within fourteen days of receipt of the assessment.
- 7.4. The assessor will submit his findings/recommendations and any written response received from the complainant and/or the accused member to the D.I.C as soon as practicable.
- 7.5. The D.I.C may authorise a full investigation or, if he is satisfied that the matter has been dealt with fairly and no useful purpose will served by pursuing the matter, the complainant and the accused member should be informed in writing that no further action will be taken.

8. FORMAL RESOLUTION:

- 8.1. When the D.I.C decides that the serious nature of the complaint requires the matter to be resolved formally, he will request the Q.M to cause a thorough and expeditious investigation to be carried out.

- 8.2. The person conducting the investigation will be required to keep the Q.M and/or the D.I.C regularly informed of the progress of the investigation.
- 8.3. Upon completing the investigation, the investigator will submit a report to the Q.M and/or the D.I.C. The report should specify the alleged breaches of the Constitution, Rules, Ethical Code of Conduct, or International Council's directive and include:-
 - (a) Details of the allegation/s
 - (b) The sequence of the events resulting in the complaint
 - (c) A summary of witnesses written statements (including the complainant's statement)
 - (d) A summary of the accused member's response to the allegation/s.
 - (e) The accused member's antecedents.
 - (f) The investigator's conclusions and recommendations.

In addition to the report, the investigator must submit all written statements, or notes made of interviews with witnesses and the accused member.

- 8.4. The D.I.C and/ or, the Q.M will review the evidence obtained by the investigator and may decide to:-
 - (a) Request further enquiries to be made or,
 - (b) Refer the matter to a Discipline Committee (See paragraph 5.3., above) for guidance or,
 - (c) Take no further disciplinary action or,
 - (d) Refer the matter to a Disciplinary Panel.
- 8.5. If the D.I.C and the Q.M decide to take no further disciplinary action, the Q.M will inform the complainant and the accused person, in writing and may also offer suitable advice.
- 8.6. The D.I.C and or the Q.M will report on the progress of all current disciplinary matters, at each meeting of the International Council.

9. DISCIPLINARY PANEL PROCEDURE:

- 9.1. When the D.I.C and the Q.M decide to refer the matter to a Disciplinary Panel, the Q.M will serve by recorded delivery a written notice upon the accused member, specifying the alleged breaches of the Constitution, Rules, Ethical Code of Conduct, or directive of the International Council.
- 9.2. The notice should invite the accused member to respond within 14 days and indicate whether he/she intends to admit or deny all or any of the allegations and whether he/she would attend a meeting of the Disciplinary Panel called to adjudicate on the allegations/s.
- 9.3. It will be the responsibility of the D.I.C to convene a Disciplinary Panel to hear the evidence of the complaint. The Panel shall consist of three members of the International Council, (excluding the Chairman), who have had no previous involvement with the matter subject of the complaint.
- 9.4. The accused member may have someone represent him at the Disciplinary Panel meeting. However, it should be clearly understood that the Discipline Panel do not have the right to award costs or compensation. Therefore any accused person and any complainant should ensure that they can meet any costs they may incur in relation to these Disciplinary Rules.
- 9.5. The allegations will be put to the accused person by the Chairman of the Panel and the accused person shall be asked if he/she admits or denies the allegation/s.
- 9.6. If the accused member admits the allegations the Q.M or the D.I.C will outline the circumstances of the allegations and the accused person may

present a submission in mitigation, or in the absence of the accused person, his submission may be read out by the Chairman of the Disciplinary Panel.

- 9.7. If the Accused member denies the allegation/s, the Disciplinary Panel will listen to the evidence in support of the allegations presented by the Q.M or the D.I.C, and the evidence put forward on the part of the accused member. The Disciplinary Panel will then announce its adjudication.
- 9.8. If the accused member, or the complainant, refuse to attend, or fail to attend the Disciplinary Panel hearing, the matter may be dealt with in their absence.

10. ADJUDICATION:

- 10.1 The Disciplinary Panel may find the allegations not proved or proved. In the latter case they may either:-
 - (a) Admonish the accused member, such admonishment to remain on file for a period of two years from date of adjudication, or,
 - (b) Suspend the accused member from the Association for a period not exceeding twelve months, or,
 - (c) Impose a fine, not exceeding £2,000.00, on the accused member; non-payment of the fine within three months shall result in the member's expulsion from the Association.
 - (d) Require the accused member to resign from the Association.
 - (e) Expel the accused member from the Association.

The accused member shall be notified in writing by the Association Secretary of the adjudication as soon as possible, and suspended and expelled members should be required to return their membership card to the Association's Head Office.

11. APPEALS:

- 11.1. Any member who admitted allegations, or, against whom allegations have been proved in accordance with these rules, may, within 14 days of the date of notification of the adjudication, lodge an appeal in writing, setting out the reasons for the appeal and details of any new evidence, with the Association Secretary at the Association's Head Office.
- 11.2. A member who has admitted the allegation/s may only appeal against the punishment imposed.
- 11.3. The written notice of appeal shall be recorded in the Complaints Register and brought to the immediate notice of the D.I.C, who shall be responsible for convening an Appeal Panel.
- 11.4. The Appeal Panel shall consist of the International Chairman, a past International Chairman, who has had no previous involvement with the matter subject of the appeal, the Association Secretary, or other person appointed by the International Council.
- 11.5. The Appeal Panel may require the presence of some or all persons who gave evidence at the earlier hearing, or they may decide to have all, or, some of the evidence presented in written form. They should make their requirements known in sufficient time for the Appellant and the Association's Representative to prepare presentations.
- 11.6. The appellant will first present his grounds for appeal and the D.I.C or the Q.M will respond.
- 11.7. At the conclusion of proceedings the Appeal Panel may:-
 - (a) Allow the appeal,
 - (b) Dismiss the appeal,
 - (c) Dismiss the appeal and impose a higher penalty.
 - (d) Where the appeal is against punishment, allow the appeal and impose a lesser penalty.

- 11.8. The adjudication of the Appeal Panel shall be final.
- 11.9. Any monetary penalty will be paid into the Association's bank account.
- 11.10. The complainant shall be notified of the result in writing.
- 11.11. All case papers will be endorsed with the final adjudication and filed under confidential cover at the Association's Head Office, for a period of five years.

12. REMOVAL FROM THE "REGISTER OF MEMBERS":

- 12.1. Notwithstanding the complaints procedure described in the previous paragraphs, the International Council may suspend membership of any category, if, in their opinion, good and sufficient reason has been shown that such membership should cease. Provided that the suspended member is then given the opportunity to present reasons why membership should continue, the International Council may remove that member's name from the Register of Members.
- 12.2. The Management Committee may suspend company membership, if the company fails to meet the Association's requirements for their category of membership. Provided that the suspended company is then given the opportunity to present its reasons why membership should continue, the International Council may remove the company's name from the Register of Members.
- 12.3. Written notification of suspension and or, removal from the "Register of Members", shall be sent by recorded delivery to the member's last known address by the Association Secretary. Those whose names have been removed from the "Register of Members", should be requested to return their membership cards to the Association's Head Office.
- 12.4. Any member whose fees or other dues remain unpaid three months after they have become payable and from whom no satisfactory explanation for non-payment has been received, shall be removed from the "Register of Members". The membership card held by that member shall be returned to the Association's Head Office.
- 12.5. Any member may resign from the Association by sending written notice and their membership card to the Association's Head Office. The date of such resignation shall be the date of receipt of such notice.