

 The Geological Society	The Geological Society of London REGULATIONS	Number : R/FP/6 Issue : 6 Date : 25/11/15 Page : 1 of 7
	INVESTIGATION OF COMPLAINTS AND DISCIPLINARY PROCEDURES	Approval Authority COUNCIL

1 OBJECTIVE

To ensure that there are disciplinary procedures for dealing with allegations that a Fellow has breached the Society's Codes of Conduct.

2 SCOPE

This Regulation covers the following:

- i. The procedure for the investigation of allegations made against a Fellow for breach of one or more of the Codes of Conduct (Bye-law 2.3); and
- ii. The establishment by Council of a Standing List to investigate complaints and implement disciplinary procedures.

This Regulation does not cover investigation of allegations of negligence or incompetence which are or could be subject of the processes of civil or criminal law, but can apply to allegations arising from the outcomes of such proceedings.

3 RELATED REGULATIONS

Reference should be made to the following related Regulations:

- Regulation R/FP/1: Nomination and Election of a New Fellow
- Regulation R/FP/2: Criteria and Procedure for Validation as a Chartered Geologist
- Regulation R/FP/7: Codes of Conduct

4 DEFINITIONS

In the usage of this Regulation:

- i. **“Complainant”** is any person or persons who have made a written allegation against a Fellow. This can be any member of the general public whether a member of the Society or not.
- ii. **“Respondent”** is the Fellow or Fellows against whom a written allegation has been made to the Society.
- iii. **“The Parties”** refers to the Complainant(s) and Respondent(s) collectively.
- iv. **“Allegation”** is an assertion that a Fellow or Fellows have breached one or more of the Society's Codes of Conduct.

- v. The “**Standing List**” is a list of at least 25 experienced and longstanding Fellows who are able to serve on Panels established under these investigation and disciplinary procedures.
- vi. An “**Investigation Panel**” is a panel comprising three Fellows of the Society from the Standing List that is appointed to decide whether the allegation made falls within the scope of this Regulation.
- vii. A “**Disciplinary Panel**” is a panel comprising five Fellows of the Society from the Standing List that is appointed to determine any allegation that is referred to it and make recommendations to Council.
- viii. A “**Disciplinary Hearing**” is organised by the Disciplinary Panel to which the Parties are invited to present their respective positions.
- ix. An “**Adviser**” is any person or persons who accompany the Complainant or the Respondent to a Disciplinary Hearing who is not related to them in anyway.

5 PROCEDURE

5.1 Procedural Matters

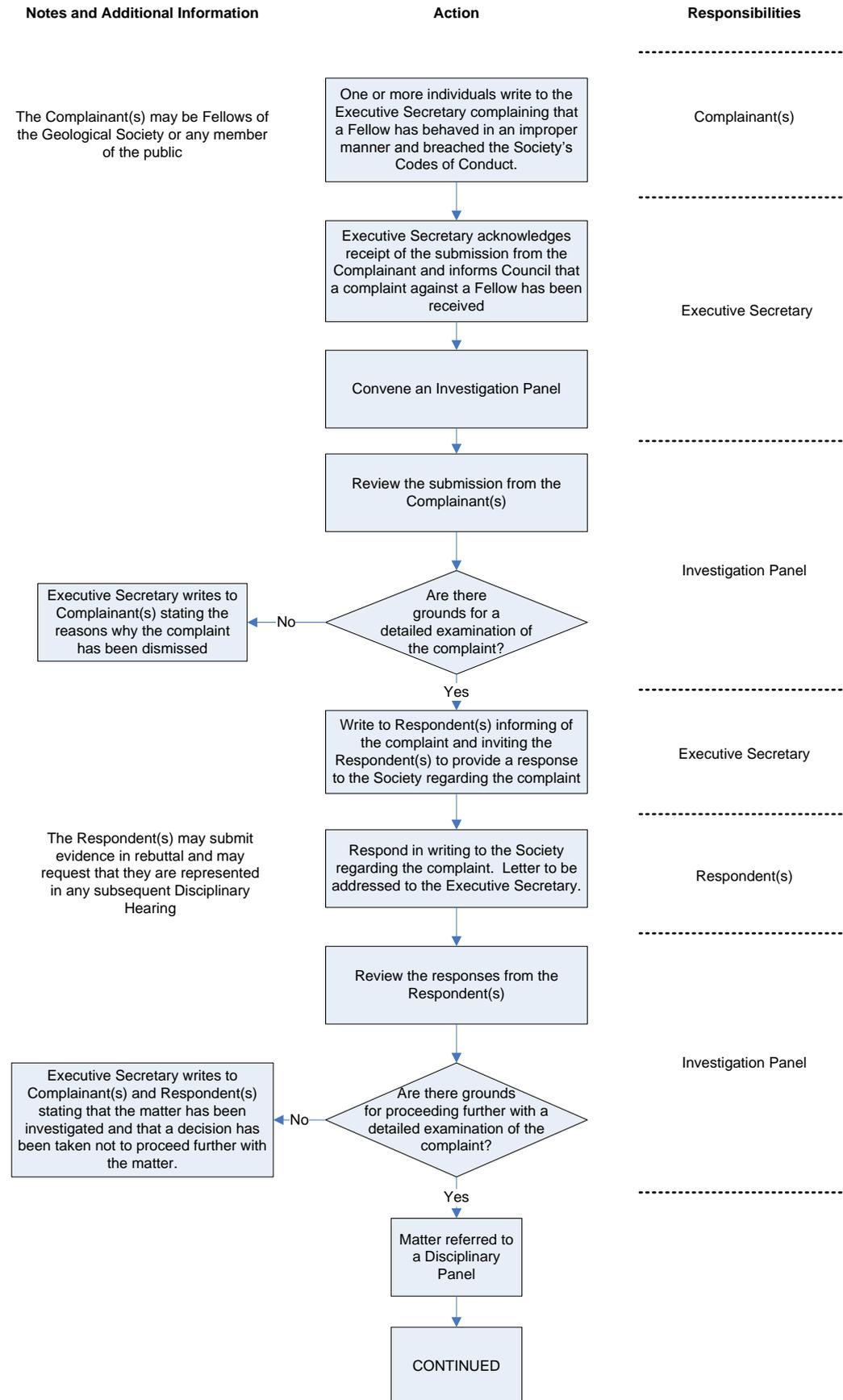
- i. Council shall establish and maintain a Standing List. At least two thirds of the List shall be Chartered Fellows. Fellows may resign from the List at any time, and Council may appoint replacements at any time. The list of names on the List shall not be available to Fellows, but shall be available to the Executive Secretary and Officers of the Society. Members of Council may be on the list, but may not act while on Council.
- ii. An allegation that a Fellow has behaved in an improper manner and breached the Codes of Conduct shall be submitted in writing to the Executive Secretary of the Society.
- iii. The written submission shall explicitly state the grounds for the allegation by reference to the relevant clauses in the Codes of Conduct and shall be supported by appropriate information. The allegation shall not be sent or copied to any other person and the Complainant(s) shall, at all times, keep the fact that an allegation has been made and the substance of that allegation confidential. The Complainant(s) shall not contact the Respondent(s) directly whilst the investigation and disciplinary procedures are in progress
- iv. If the Executive Secretary is satisfied that the allegation is within the scope of this Regulation, the Executive Secretary shall convene an Investigation Panel. The panel will decide whether or not there are grounds for a detailed examination of the allegation made by the Complainant(s) against the Respondent(s).
- v. The Executive Secretary shall inform the Complainant(s) and the Respondent(s) of the results of the Investigation panel. If the allegation is to be examined in detail the Executive Secretary will provide information as to the timetable to which the Investigation Panel will be working. If the Investigation Panel decides that there is no case to answer the Executive Secretary will inform the Complainant(s) and Respondent(s) in writing. The decision of the Investigation Panel shall be final.
- vi. If the Investigation Panel decides that there are grounds for detailed examination of the allegations made, the Respondent(s) shall at this point be informed confidentially and in writing of the details of the allegation made against them. The Respondent(s) shall be sent a full copy of the allegations and any supporting information, including the name of the Complainant(s). The Respondent(s) shall keep the fact that an allegation has been made against them, and the substance of that allegation, and the details of his or her response confidential. The Respondent(s) shall not contact

the Complainant in any way while the investigation and disciplinary procedures are in progress.

- vii. The Respondent(s) shall be given 28 days to respond in writing to the allegations from the date of notification by the Society of the details of the allegations made by the Complainant(s).
- viii. The Investigation Panel shall review all the available and relevant information and notify the Executive Secretary of its decision, which shall be either:
 - a. That there is no case to be answered and the allegation should not be considered further by the Society; or
 - b. That there is a case to be answered and that this should proceed to a Disciplinary Hearing.
- ix. The Executive Secretary shall inform the Parties of the outcome of the Investigation Panel's work.
- x. If the matter is to proceed further, the Executive Secretary shall:
 - a. Convene a Disciplinary Panel to examine the allegations made by the Complainant(s) against the Respondent(s). No member of a Disciplinary Panel shall have been a member of the Investigation Panel related to the allegation.
 - b. Provide the Complainant(s) with a copy of the Respondents response to the allegations (including any additional information provided at the request of the Investigation Panel),
- xi. The Disciplinary Panel shall determine the process to be followed. The Chair of the Disciplinary Panel shall notify the Parties as to this process. The decision by the Disciplinary Panel in determining the conduct of the process and the hearing (if any) will be final and in accordance with natural justice.
- xii. This process may include a hearing where all Parties are invited to present their arguments in person before the Disciplinary Panel; a hearing shall be held if requested by the Panel or by at least one of the Parties. If a hearing is held, the Panel shall hear from and ask questions of the Parties separately, and not in an open session. The Parties shall not have the opportunity to question each other nor to be present when the other is before the Panel.
- xiii. The Disciplinary Panel may take evidence from one or more members of the Investigation Panel, but this shall not be disclosed to the Parties.
- xiv. The Society shall give 28 days' notice of a Disciplinary Hearing. The notice shall be issued in writing to the Parties.
- xv. The Parties may choose to be accompanied by an adviser at the Disciplinary Hearing. The Parties shall inform the Society not less than one week (5 working days) before the date of the Disciplinary Hearing whether they intend to bring an adviser to the Disciplinary Hearing, and if so the name and contact details of the adviser. The adviser shall not normally have the right to address the Disciplinary Hearing, except under exceptional circumstances and with the agreement of the Disciplinary Panel.
- xvi. The Parties may submit supplementary written information to the Disciplinary Hearing. Supplementary information must be received by the Disciplinary Panel not less than one week (5 working days) before the date set for the Disciplinary Hearing. Copies of any supplementary information shall be issued by the Executive Secretary to the Parties respectively in advance of the Disciplinary Hearing.
- xvii. The recommendation of the Disciplinary Panel in accordance with the following clause shall be passed to Council for their decision.

- xviii. The possible recommendations that can be made to Council by the Disciplinary Panel are:
 - a. The allegations are not upheld;
or
 - b. the allegations are upheld and a breach of the Code(s) of Conduct is such that the appropriate sanction would be for Council to vote on a motion to:
 - i. remove the Respondent(s) from the Society; or
 - ii. remove (permanently or temporarily) the validation of the Respondent(s) as a Chartered Geologist or Chartered Scientist, but allow the Respondent(s) to remain as a Fellow and to define the conditions that would have to be met for the Respondent(s) to be reinstated as a Chartered Geologist or Chartered Scientist; or
 - iii. issue a reprimand to the Respondent and/or require a programme of appropriate training or CPD be undertaken. Such a reprimand will be issued by the Executive Secretary.
- xix. In addition, whether the allegations are upheld or not, the Disciplinary Panel may recommend that the Parties are encouraged to resolve their differences with the assistance of a mediator or other neutral third party.
- xx. Council, when deciding on matters under this Disciplinary Procedure, shall require those present who have had direct previous involvement with any aspect of this Disciplinary Procedure to declare an interest and to withdraw from the meeting while the matters are decided.
- xxi. The decisions reached by Council are final.
- xxii. The proceedings of the Investigation Panel and Disciplinary Panel shall remain confidential to Council, the Executive Secretary, and members of the panels and shall not be disclosed by any Fellow to third parties, other than to the Respondent(s) and Complainant(s), their representatives and the representatives of the Society.
- xxiii. The procedure described in this Regulation can be terminated at any stage prior to the meeting of Council at which a vote would be taken in the case of:
 - a. the Complainant(s) withdrawing the allegation; or
 - b. the Respondent(s) resigning as a Fellow(s) of the Society.

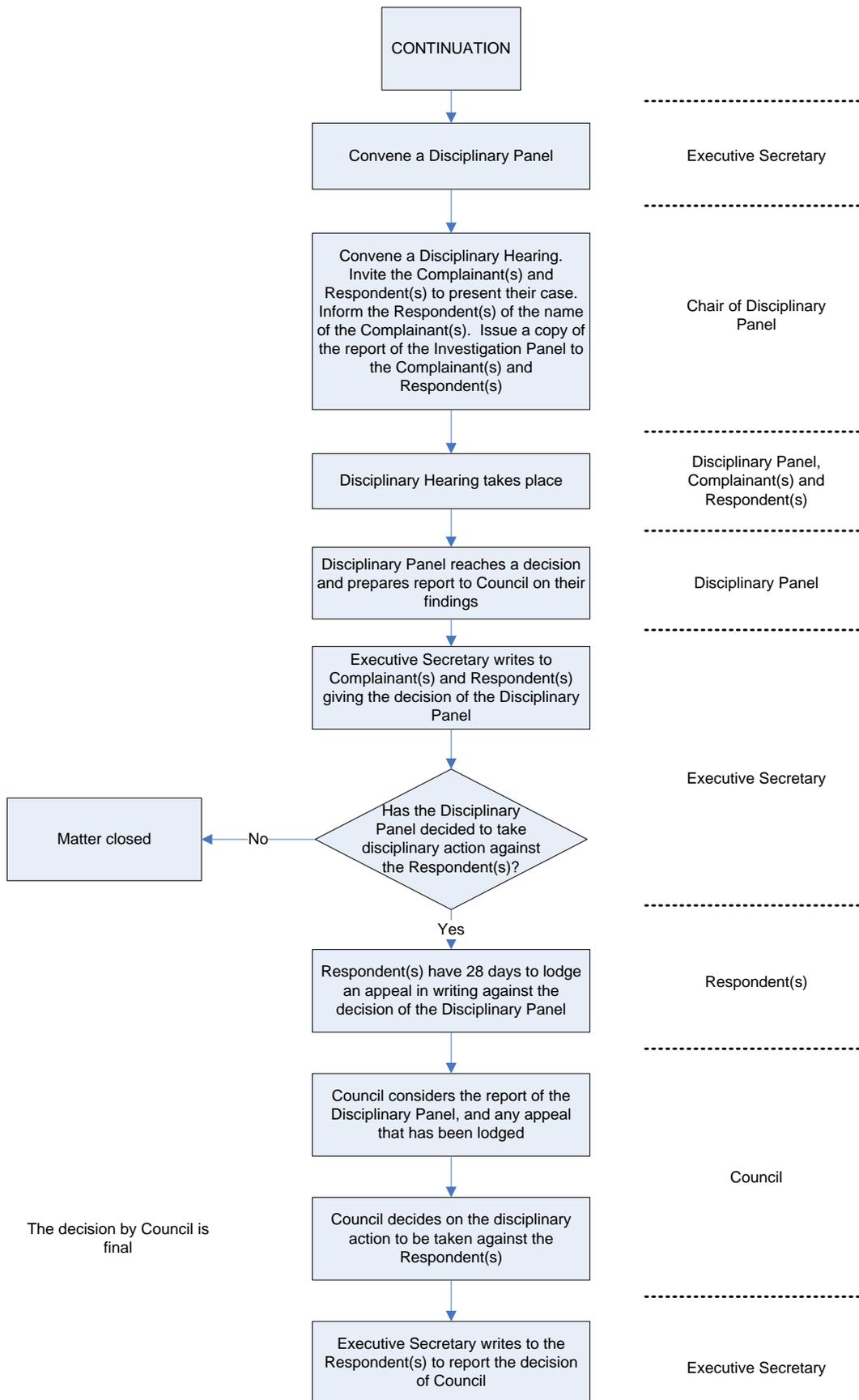
5.2 Procedure



Notes and Additional Information

Action

Responsibilities



6 RECORDS

Records of matters pertaining to the application of these Disciplinary Procedures shall be prepared and, on completion of each disciplinary process, those records shall be managed in accordance with the Society's Records Management Policy.

Panels appointed under these Disciplinary Procedures shall be responsible for maintaining such records of the Panels' activities as they consider appropriate for the effective conduct of their business.

A record of any persons removed from the Register of Chartered Geologists (or the register of another Chartered title for which from time-to-time the Society may administer as a licensed body) or removed from the Society as a result of disciplinary action shall be retained by the Society. In the event that any such person subsequently submits a new application to be admitted as a Fellow of the Society and/or to be validated as a Chartered Geologist (or another Chartered title for which from time-to-time the Society may administer as a licensed body), Council shall decide whether such a new application will be accepted. The decision of Council is final. If Council decides to accept such a new application, that application shall be processed in accordance with Regulations.