



Chartered Institution of CIVIL ENGINEERING SURVEYORS DISCIPLINARY REGULATIONS

Amended and approved by Council of Management on the 8th of December 2022 in accordance with Bye-law 39 (c).

Expressions used in these Disciplinary Regulations shall have the meanings assigned to them by the Byelaws and Regulations of the Institution.

CICES expects all members to act professionally and properly and to comply with the Rules of Professional Conduct thereby ensuring that the Institution continues to meet the aims of the Charter. Any Member of the Institution who may have acted improperly could be subject to these Disciplinary Regulations.

The Institution has established an Ethics, Audit and Governance Committee who have responsibility for regular review of the Institution's Rules of Professional Conduct, for considering matters of ethics as they apply to members and for the Institution's Disciplinary Process.

The Ethics, Audit and Governance Committee is comprised as follows:

Chair - Appointed for a four-year term serving for no more than two terms. Appointed through an open, inclusive process across the membership.

Suggested membership – to include:

- Two members of CoM
- Three members of regional committees to include international regional committees
- Representative from EDI Council
- Representative from Sustainability Group
- Representative from Tomorrow's Leaders Committee
- A minimum of one external member - this a non-CICES member

Representatives of the other committees will be periodically invited to present papers.

The CEO will provide support to the Ethics, Audit and Governance Committee.

All notices and similar correspondence will be deemed to have been sent if sent by electronic copy and may also be sent by recorded delivery.

1. Allegation of a Breach of the Rules of Professional Conduct or Improper Conduct.

- 1.1 Any allegation of a breach of Institution's Rules of Professional Conduct or improper conduct on the part of a member, received from any source, shall be referred to the Chair of the Ethics, Audit and Governance Committee who will consider any appropriate actions to be taken.
- 1.2 The CEO shall acknowledge receipt of any correspondence or phone contact with the complainant.
- 1.3 If the complainant wishes to proceed, they will be asked to confirm this in writing to the Chair of the Ethics, Audit and Governance Committee with their grounds of complaint.

2. Review Panel.

- 2.1 The Chair of the Ethics, Audit and Governance Committee will review the complaint and consider if further action is required. If the Chair considers that there is no case to answer the matter will be dismissed and the complainant advised. In doing so the Chair of the Ethics, Audit and Governance Committee may seek views from other members of the Committee. The Chair of the Ethics, Audit and Governance Committee may also seek independent technical or legal advice.
- 2.2 If the Chair of the Ethics, Audit and Governance Committee considers that there is a potential case to answer then they will set up a Review Panel comprising of three members of the Committee to undertake a full investigation. The members of the panel will not have previously been involved in the case; if the Chair has sought a view from any members of the Committee, then they will automatically be excluded from sitting on the Review Panel. The Committee will review the available evidence, any further evidence supplied by the parties and submissions made by the parties. The Review Panel will appoint one member to act as Chair of the Review Panel. There will be a presumption that the matter will be dealt with in writing unless the Review Panel feels that the complexity of the matter would benefit from an in-person review meeting. The decision to call an in-person review will be at the sole discretion of the Review Panel.
- 2.3 The complainant and the complaine will be advised of the intention to undertake a review. The Review Panel will set out the points of the review in writing and an indicative timetable. Any relevant material obtained by the Review Panel will be disclosed.
- 2.4 The member being complained of will be asked to provide in writing their details or responses on the points being considered together with any evidence that they wish to provide.
- 2.5 Upon receipt of the submissions the correspondence will be exchanged.
- 2.6 Where the matter is being dealt with in writing the complainant will have an opportunity to comment on the others' submission in writing with all

responses to be received within two weeks of the date by which the correspondence has been exchanged. All correspondence will be disclosed to all parties.

- 2.7 Where the matter is to be dealt with in person, the complainant and the complainee will have an opportunity to attend a Review Meeting in person to be held at the offices of the Institution. Both parties will have an opportunity answer any queries from the Review Panel on their submissions and if they wish to comment on the other parties' submissions. The Review Meeting will be recorded, and a copy of the transcript will be shared. The procedure to be adopted at the in-person hearing will be at the sole discretion of the Review Panel, including, but not limited to, the attendance and questioning of any witnesses, and permission for the parties to submit any additional evidence at the hearing. The Review Panel has the discretion to adjourn the hearing if it considers it necessary to do so.
- 2.8 The Review Panel will then consider the submissions and make a decision on the balance of probabilities as to whether:
 - 2.8.1 The points of review have been proven and which appropriate sanctions will be applied, or
 - 2.8.2 The points of review have not been upheld.
- 2.9 If a case is proven on the balance of probabilities, the Review Panel will decide on the appropriate sanction, if any, taking into account all the circumstances of the case, including the Rules of Professional Conduct of the Institution and any mitigating and/or aggravating factors
- 2.10 The Review Panel will consider appropriate level of sanctions which would be either:
 - a) Where the matter relates to a specific area of knowledge, then the member would be required to undertake additional training and development specifically in the areas where the failure has been identified. The training to be completed in an agreed timescale with evidence that the training has been undertaken to be submitted to the Review Panel within the time period set; or
 - b) Where the matter relates to a specific area of knowledge or values of the Institution a requirement for the member to undertake additional training and development specifically in the areas where the failure has been identified plus suspension as a member for a period of time. The member would not be able to use the CICES logos during the period of suspension. Evidence that the training had been undertaken to be submitted to the Review Panel before membership could be reinstated; or
 - c) Where the matter relates to one or more areas of knowledge including general competencies matters or relates to the values or reputation of the Institution a requirement for a member to be suspended for a period of time and to have to undertake the full membership review

process before resubmission as a member including the member bearing the usual costs for the membership review process and providing evidence that sufficient training in the area of knowledge highlighted as being deficient has been undertaken to the satisfaction of the Review Panel; or

d) Where the matter relates to substantive lack of knowledge or behaviours which seriously impact the reputation of the Institution for the member to be expelled permanently from the Institution.

2.9 The Review Panel will communicate their findings to the complainant and the complaine.

2.10 The Review Panel will also inform the parties of their rights to appeal against any decision of the Review Panel.

2.11 The timelines set out can be extended by agreement.

3. Appeals

3.1 The Construction Industry Council (CIC) has established an Independent Appeals Tribunal (IAT) for its member bodies, which may be used for appeals against the decisions by the Review Panel of the Institution. A member shall be entitled, within one calendar month after receipt of the Review Panel's decisions, to give notice of intention to lodge an appeal with the CIC IAT against any decision of the Review Panel.

3.2 Notice of intention to appeal shall be made by recorded delivery to the CIC IAT and the Institution. The appellant will receive information as to the appeals procedures including an application form that must be completed and returned to the CIC IAT within the timescale stated on the form. A copy of the completed form shall be sent to the Institution at the same time.

3.3 The appeal shall be conducted in accordance with the CIC IAT procedures in force at the time the appeal is lodged.

3.4 The appellant and the Institution shall be bound by the decision of the Tribunal hearing the appeal.

3.5 The appellant may be represented at the Tribunal Hearing at their own cost.

3.6 Unless the Institution specifically determines to the contrary, the Institution invite the CIC IAT to exercise its discretion to make an award to it of the costs of an appeal. Unless, by the exercise of that said discretion, the CIC IAT specifically determines otherwise, the costs of a failed appeal shall be awarded against the appellant.

3.7 Appeal to the Engineering Council is only available if a member, by losing membership of CICES will also loses registration of the Engineering Council and the Institution's appeals process has been exhausted. This appeal is carried out under the relevant Engineering Council Regulation. Complaints not amounting to an appeal to the Engineering Council in respect of other matters may result in the Engineering Council discussing the case with the

Institution concerned only to confirm that the procedure approved as part of the licensing process had been followed.

4. Expulsions and Suspensions

- 4.1 A member who is permanently expelled from membership of the Institution shall immediately return to the Institution their membership certificate and shall not be entitled to use any title, post nominal letters, logo or description implying current or past membership.
- 4.2 A member who is suspended for any period shall immediately return to the Institution their membership certificate. During the period of suspension, they shall not be entitled to exercise any of the rights or privileges of membership, or use any title, post nominal letters, logo or description implying current membership. In all other respects they shall remain subject to the Rules of Professional Conduct of the Institution.

9/12/2022