

Chartered Institution of CIVIL ENGINEERING SURVEYORS DISCIPLINARY REGULATIONS Amended and approved by Council of Management 7th March 2024 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 professional code of 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 approach for the regular review of the institutions Rules of Professional Conduct, for considering matters of ethics as they apply to members and for the Institution's Disciplinary Process. These include adherence to the Institution terms of conduct and disciplinary regulations, adherence to the principles of our royal charter and through our annual audit of the Institutions finances. The Institutions Council of Management has oversight of all governance matters, meeting on a quarterly basis where matters can be highlighted and addressed.

Each Core committee of the Institution has current terms of reference that describe the purpose and objective of the committee and allows our members to hold the Institution to account.

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

1. Allegation of a Breach of the Professional Rules of 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 Honorary Secretary and CEO who will jointly consider any appropriate actions to be taken. SUBJECT to Conflicts of Interest – Any conflict of interest shall be declared from the outset.
 - 1.2 The Honorary Secretary or 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 Honorary Secretary or the CEO with their grounds of complaint.

2. Review Panel.
 - 2.1 The Honorary Secretary and CEO will review the complaint and consider if further action is required. If it is considered that there is no case to answer the matter will be

- dismissed and the complaint advised. In doing so the Honorary Secretary or the CEO may also seek independent technical or legal advice.
- 2.2 If the Honorary Secretary or the CEO considers that there is a potential case to answer then they will instigate an independent lay person (ILP) to fully investigate allegations. The ILP will be requested to provide their findings along with recommendations to the Council of Management. The Council of Management will decide the outcome based on those findings and recommendations.
- 2.3 The complainant and the complainee will be advised of the intention to undertake a review. The ILP will set out the points of the review in writing and an indicative timetable. Any relevant material obtained by the ILP 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 any neutral premisses. Both parties will have an opportunity answer any queries from the ILP 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 ILP, 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 ILP has the discretion to adjourn the hearing if it considers it necessary to do so.
- 2.8 The ILP will then consider the submissions and present their finding and recommendations on the balance of probabilities as to whether:
-
- 2.8.1 the points of review have been proven or;
- 2.8.2 the points of review have not been upheld.
- 2.8.3 any mitigating and/or aggravating factors
- 2.8.4 their recommendations for sanctions, if any, in accordance with 2.10
- 2.9 If a case is proven on the balance of probabilities, Council of Management will ultimately decide on the appropriate sanction, if any, taking into account all the circumstances of the case and the ILP's findings.

- 2.10 Council of Management 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 Honorary Secretary or CEO will communicate their findings of the Council of Management to the complainant and the complaine.
- 2.10 The Honorary Secretary or CEO 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 his 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.