

# CHARTERED INSTITUTE OF LINGUISTS

## DISCIPLINARY PROCEDURES

**Procedures for Enforcing the Code of Professional Conduct for members of the  
Chartered Institute of Linguists  
and for Chartered Linguists**

**Approved by Council 13 July 2013**

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## **DEFINITIONS**

### *AIIC*

The Association Internationale d'Interprètes de Conférence.

### *Allegation*

An allegation of Professional Misconduct in relation to a breach of the Code of Professional Conduct of the Institute.

### *Charter*

The Charter of the Chartered Institute.

### *Chartered Institute*

The Chartered Institute of Linguists ("the Institute").

### *Chartered Linguist*

A person on the Register of Chartered Linguists maintained by the Institute. A Chartered Linguist may be a member of the Institute or of a Qualifying Body.

### *Chief Executive*

The Chief Executive of the Institute.

### *Code of Professional Conduct ("Code of Conduct")*

The Code of Professional Conduct of the Institute in force at the time of the facts alleged.

### *Complainant*

A person or other legal entity making a Complaint. A Complainant may be an individual, a company or other corporate body or institution, or an individual representing a company or other corporate body or institution.

### *Complaint*

Information from an individual, a company or other corporate body or institution, or an individual representing a company or other corporate body or institution about the conduct of a member or a Chartered Linguist that might lead to an allegation of a breach of the Code of Professional Conduct.

### *Council*

Unless otherwise indicated, the Council of the Chartered Institute of Linguists.

### *Disciplinary Procedures*

The Disciplinary Procedures set out herein.

### *Friend*

A person nominated by the Respondent to assist them at a hearing.

### *Institute*

The Chartered Institute of Linguists.

*Institute's Representative*

The person appointed by the Institute to present an Allegation to hearings of the Disciplinary Committee and to represent it at such hearings and at hearings of the Disciplinary Appeals Committee.

*ITI*

The Institute of Translation and Interpreting.

*Lay Person*

A Lay Person is a person appointed as a member of the Support Pool who is not a member of the CIOL or of a Qualifying Body, and has no significant connection with the CIOL or of a Qualifying Body.

*Member/membership*

The expressions “member of the Institute” and “member” designate a Fellow (FCIL), Honorary Fellow (Hon. FCIL), Member (MCIL), Honorary Member (Hon. MCIL), Associate (ACIL) or Student member of the Institute. The word “membership” has corresponding reference.

*Panel*

A Panel convened to consider an Allegation, appointed by the Chair of the Professional Conduct Committee or the Disciplinary Committee or the Disciplinary Appeals Committee as applicable, and having the authority of the relevant Committee in carrying out its responsibilities.

*Professional Misconduct*

Conduct that breaches the Code of Conduct and which falls far below the standards expected of a Member.

*Support Pool*

The pool of persons appointed to serve on Panels of the disciplinary committees.

*Qualifying Body*

The ITI or AHC or such other professional body that may, under the terms of the Institute's Charter, be deemed to satisfy the requirements for the award of individual Chartered Linguist status.

*Respondent*

A person who is the subject of a Complaint or an Allegation.

*Responsible Officer*

A member of the Institute's staff delegated by the Chief Executive to act on his or her behalf in regard to a particular Complaint or Allegation.

*Working day*

Any day from Monday to Friday, excluding public holidays in England and Wales, and other days when the Institute is closed.

## **SECTION A – PROCEDURAL PRINCIPLES**

### *General*

- A.1 The Institute is committed to the highest standards of professional conduct. To this end, it has adopted a Code of Professional Conduct and these Disciplinary Procedures.
- A.2 These Disciplinary Procedures shall apply to all members of the Institute, and to all registered Chartered Linguists, in relation to a Complaint or Allegation relating to matters occurring during the Respondent’s Institute membership or Chartered Linguist registration and/or to matters occurring prior to the Respondent’s membership or registration.
- A.3 For the purposes of these Disciplinary Procedures, the membership or the registration of a Chartered Linguist who is the subject of investigation or proceedings under these procedures shall not be permitted to lapse or be otherwise terminated for the purpose of these procedures.
- A.4 A Complaint brought to the attention of the Institute that might lead to an Allegation of Professional Misconduct shall be dealt with through the procedures set out herein.
- A.5 An Allegation referred to the Professional Conduct Committee (PCC) or the Disciplinary Committee (DC) shall be considered by a Panel appointed by the Chair of the relevant Committee from the Support Pool and may include, at the Chair’s discretion, the Chair and/or the Vice-Chair of the Committee.
- A.6 An appeal referred to the Disciplinary Appeals Committee (DAC) shall be considered by a Panel appointed by the Chair of the DAC from the Support Pool and may include, at the Chair’s discretion, the Chair and/or the Vice-Chair of the DAC.
- A.7 The procedures set out herein shall be followed as far as is practicable. The Chair of a Committee or Panel may vary these procedures when he or she deems this to be necessary. Any such variation shall be recorded in the written report of the proceedings.
- A.8 Failure to comply with the rules set out herein for the appointment of Committees and Panels shall not invalidate decisions reached by them.

### *Disciplinary Committees*

- A.9 Council shall appoint the Chairs and the Vice-Chairs of the disciplinary committees and the members of the Support Pool from which Panels will be drawn to consider matters referred to the disciplinary committees.
- A.10 No member of Council may serve as Chair or Vice-Chair of any of the Committees (Professional Conduct Committee, Disciplinary Committee, Disciplinary Appeals Committee), or as a member of the Support Pool.

- A.11 The Vice-Chair of a Committee may act in place of the Chair when appropriate. In these procedures, the term Chair shall refer to the Vice-Chair when that person is acting as Chair.
- A.12 Fellows, Members, Honorary Fellows and Honorary Members of the Institute, representatives of professional bodies which, under the terms of the Charter, satisfy the requirements for the award of individual Chartered Linguist status (Qualifying Bodies), and Lay Persons may be appointed to the Support Pool. Members of the Support Pool may not sit on any committee of Council while they remain members of the Support Pool.
- A.13 Lay Persons appointed to the Support Pool shall be appointed following open advertisement and/or by reference to an appropriate independent organisation.

### ***Panels***

- A.14 A Panel shall be appointed by the Chair (or, if appropriate, by the Vice-Chair) of the relevant Committee to consider matters referred to the Committee.
- A.15 A Panel shall act with the authority of the Committee under whose authority it has been convened.
- A.16 The Chair shall endeavour to ensure so far as is practicable that an appropriate Panel is appointed on each occasion, taking into account the substance of the Allegation and the type(s) of work involved.
- A.17 A Panel shall normally consist of an odd number of members, including the Chair.
- A.18 As far as is practicable, a Panel convened to consider an Allegation against a Chartered Linguist who is not a member of the Institute shall include a person from the Support Pool who is competent to represent the Qualifying Body to which the Chartered Linguist belongs.
- A.19 When appointing a Panel, the Chair of the Committee shall ascertain and assess, to the best of his or her abilities, the possibility of conflict of interest.
- A.20 No person may be appointed to a Panel if he or she has a personal connection with the Complainant or the Respondent, or is party to the matter in a way that is likely to prejudice fair consideration of the Allegation, or if there is any conflict of interest, bias or other factor that could prejudice, or appear to prejudice, fair treatment of the Allegation. All members of a Panel appointed to consider an Allegation shall have an obligation to declare any potential conflict of interest.
- A.21 No person shall be appointed by more than one Committee to serve on a Panel in relation to the same Allegation.
- A.22 A Committee or Panel shall be permitted to seek independent, impartial, legal or other expert advice if they consider it necessary. Such advice shall be arranged by the Responsible Officer, and shall be subject to relevant budgetary considerations.

### ***Representation at Hearings***

- A.23 When an Allegation is referred to the Disciplinary Committee, the Institute may appoint a person (“the Institute’s Representative”) to present the matter to hearings of the Committee and to represent the Institute at such hearings. The Institute’s Representative may also represent the Institute when a matter is referred to the Disciplinary Appeals Committee.
- A.24 The Respondent may appoint someone as a Friend to accompany or represent him or her at hearings of the Disciplinary Committee, and/or, when appropriate, at hearings of the Disciplinary Appeals Committee. The person appointed as Friend may be a lawyer, but shall not be a member of Council of the Institute, or, when the Respondent is a Chartered Linguist who is a member of another Qualifying Body, of the Council or the equivalent committee of that body.

### ***Evidence***

- A.25 All evidence is admissible subject to the twin tests of fairness and relevance.

### ***Decisions of Panels***

- A.26 Decisions of Panels shall be by majority of votes. The Chair of the Panel shall have a second, casting vote in the case of equality of votes.

### ***Records and publication of reports***

- A.27 Subject to the provisions of the Data Protection Act (1998), a record shall be kept of all Complaints, whether or not they result in disciplinary proceedings.
- A.28 The record of an Allegation that is upheld shall be held on the membership and/or the Chartered Linguist file of the Respondent, as appropriate, subject to the provisions of the Data Protection Act (1998).
- A.29 The outcome of an Allegation that is upheld will be published on the Institute’s website. In the case of exclusion from membership of the Institute or exclusion from registration as a Chartered Linguist, or suspension for more than one year, the notice shall remain on the website for a minimum of one year.
- A.30 When an Allegation against a Chartered Linguist who is a member of the ITI and/or AIC or other Qualifying Body is upheld, the outcome shall be reported to the relevant body or bodies to which the Respondent belongs.
- A.31 No report of an Allegation that is not upheld shall be published except at the express wish of the Respondent, and with the agreement of the Chair of the Disciplinary Committee.

## **SECTION B – APPOINTMENT OF COMMITTEES AND THE SUPPORT POOL**

### *Committees*

- B.1 The Chairs and Vice-Chairs of the Professional Conduct Committee (PCC), the Disciplinary Committee (DC) and the Disciplinary Appeals Committee (DAC) shall be Fellows or Members of the Institute.
- B.2 Chairs and Vice-Chairs of Committees shall normally hold office for a period of three years, and may be appointed for one further period of three years as either Chair or Vice-Chair on the same Committee or of another Committee.
- B.3 A person who has served consecutively for six years as Chair or Vice-Chair on any Committee shall not be eligible for further appointment as Chair or Vice-Chair of a Committee, or as a member of the Support Pool until after a lapse of three years.
- B.4 Former members of the Support Pool who are Members or Fellows of the Institute may be appointed as Chairs or Vice-Chairs of Committees provided that if they have served for six years as a member of the Support Pool they shall be eligible for such appointment only after a lapse of three years.

### *Support Pool*

- B.5 Council shall appoint suitable persons to a Support Pool from which Panels will be drawn to consider matters referred to the disciplinary committees.
- B.6 The Support Pool shall consist of the following:
- at least six Lay Persons;
  - at least six Fellows or Members of the Institute, of whom four should be nominated by the Divisions;
  - at least two representatives of Qualifying Bodies who will be called on only in regard to an Allegation against a member of the ITI or AIIC or other Qualifying Body, who is a Chartered Linguist and who is not a member of the Institute; this category shall comprise one each from the ITI and AIIC, and such number from other Qualifying Bodies as Council shall deem appropriate.
- B.7 Persons appointed to the Support Pool shall normally hold office for a period of three years, and may be re-appointed for one further period of three years, after which a lapse of three years is required before they are again eligible for appointment.
- B.8 Council may fill a vacancy in any of the above categories at any time. When necessary, an appointment may be made by the Chair of Council. An appointment made by the Chair of Council shall be reported to Council at its next meeting, and shall continue to be valid after that date only if confirmed by Council. An action taken with the involvement of a person appointed to fill a casual vacancy shall be valid notwithstanding any subsequent decision by Council not to confirm the appointment.
- B.9 A person serving in any capacity mentioned above who wishes to resign must notify the Chief Executive in writing, if possible giving at least six weeks' notice.

- B.10 A complaint relating to the suitability or performance of a member of a Panel should be made to the Chair of the Committee, who will report and make recommendations as appropriate to Council.
- B.11 A complaint relating to the suitability or performance of a Chair or Vice-Chair of a Committee should be made to the Chair of Council, via the Chief Executive.
- B.12 Council shall have the right to remove a member from the Support Pool or as Chair or Vice-Chair of a Committee, or take such other actions as it deems appropriate.

## **SECTION C – TERMS OF REFERENCE OF COMMITTEES**

### ***Professional Conduct Committee (PCC)***

- C.1 An Allegation referred to the Professional Conduct Committee shall be considered by a Panel of three persons appointed by the Chair of the Committee from among the Chair and Vice-Chair of the Committee and the members of the Support Pool.
- C.2 The Panel will assess an Allegation referred to it and will decide whether, on the evidence available to it, there is evidence of a breach of the Code **and** there is a realistic prospect that the Institute will be able to prove on the balance of probabilities the facts alleged, such that a determination may be made that the Respondent is guilty of Professional Misconduct; where these conditions pertain, the PCC shall refer the matter to the Disciplinary Committee.
- C.3 If the Panel is satisfied that it is necessary for the protection of members of the public or is otherwise in the public interest or the interests of the Respondent either to impose interim suspension or conditions of practice, it may determine that the membership or the registration of the Respondent shall be suspended, or that conditions of practice shall be imposed, with immediate effect pending subsequent decision by the Disciplinary Committee.
- C.4 The Respondent shall be permitted to make representations before the Panel determines that it is necessary to impose interim suspension or conditions of practice, as above.

### ***Disciplinary Committee (DC)***

- C.5 An Allegation referred to the Committee shall be considered by a Panel of three persons appointed by the Chair of the Committee from among the Chair and Vice-Chair of the Committee and the members of the Support Pool. A Panel of five persons may be appointed if the Chair deems this to be necessary.
- C.6 The Panel will conduct a hearing to assess an Allegation submitted to it.
- C.7 The Panel will determine, on the balance of probabilities, whether the facts alleged are proven.
- C.8 If the Panel determines that the facts alleged are not proven, the matter shall be dismissed.

- C.9 If the Panel determines that the facts alleged are proven, it will determine whether a breach of the Code of Conduct has occurred.
- C.10 The Panel must then determine whether the breach of the Code of Conduct amounts to Professional Misconduct.
- C.11 If the Panel determines that the Allegation is upheld or partly upheld it may consider whether it is appropriate to take no further action in respect of the matter.
- C.12 If the Panel does not proceed as in C.11 above, it must determine that one of the following sanctions should apply:
- (a) the Respondent should be admonished, the terms of the admonition to be included in the decision of the Panel; **or**
  - (b) the Respondent should be suspended from membership of the Institute and/or from registration as a Chartered Linguist, as applicable, for a period determined by the Panel; the maximum period of suspension shall normally be two years; reinstatement following suspension will be subject to conditions determined by the Panel; such conditions may include provisional reinstatement or reinstatement subject to review; **or**
  - (c) the Respondent should be downgraded by one or more membership categories (FCIL to MCIL or ACIL; MCIL to ACIL), with the possibility of reinstatement after a period determined by, and subject to conditions determined by, the Committee; such conditions may include review of the appropriateness of reinstatement; the maximum period of downgrading shall normally be two years; **or**
  - (d) the Respondent should be excluded from membership and/or from registration as a Chartered Linguist, as applicable.
- C.13 A member or Chartered Linguist who is excluded under these procedures may apply for re-admission and/or re-registration after a period of no less than two years.
- C.14 Any sanction determined as above shall come into effect immediately unless an appeal is lodged. When an appeal is lodged, implementation of the sanction or sanctions may be suspended until the appeal has been decided.

### ***Disciplinary Appeals Committee (DAC)***

- C.15 The Disciplinary Appeals Committee shall determine appeals against the decisions of, and the sanctions imposed by, the Disciplinary Committee.
- C.16 A Panel of three persons to consider a particular appeal shall be appointed by the Chair of the Committee from among the Chair and Vice-Chair of the Committee and from the members of the Support Pool.
- C.17 The Disciplinary Appeals Committee may determine:
- that the decision of the Disciplinary Committee be quashed and that the Allegation be dismissed; **or**
  - that the matter be referred back to the Disciplinary Committee for a re-hearing; **or**

- that the decision of the Disciplinary Committee be confirmed, but that the sanction imposed be amended in such manner as the Committee shall determine; **or**
- that the decision of the Disciplinary Committee and the sanction imposed be confirmed.

## **SECTION D – MAKING A COMPLAINT**

### *Complaints initiated by individuals and corporate bodies*

- D.1 A Complaint against a member of the Institute or a Chartered Linguist alleging Professional Misconduct may be made by an individual, a company or other corporate body or institution.
- D.2 The Complainant shall be sent a copy of these procedures as soon as reasonably practical.
- D.3 Complaints should be submitted as soon as possible after the Complainant knows of the matter complained of. A Complaint made more than two years after the Complainant became aware of the matters alleged to constitute Professional Misconduct must include a full explanation for the delay.
- D.4 Complaints must normally be made using the Standard Complaint Form, sent to the Chief Executive at the registered office of the Institute. A Complaint made in other form may be accepted at the discretion of the Chief Executive.
- D.5 The Complaint must provide sufficient detail, and must include information concerning any relationship between the Complainant and the member or Chartered Linguist against whom the Complaint is made.
- D.6 The Chief Executive may delegate administration in regard to a Complaint to a named Responsible Officer.
- D.7 A Complaint which is received more than two years after the Complainant became aware of the matters giving rise to the allegation will not be progressed unless the Chief Executive (or the Responsible Officer) considers that it would be in the public interest, and/or because of the exceptional circumstances of the matter, for the Complaint to proceed.
- D.8 Where the Chief Executive, or the Responsible Officer if appointed as above, is not satisfied that the Complaint meets the criteria necessary to invoke the disciplinary procedures, he or she shall advise the Complainant accordingly, as soon as reasonably practicable, with reasons for the decision.
- D.9 If the Complainant does not accept the decision of the Responsible Officer, the Complainant may appeal. Such appeal should be submitted within 10 working days of notification of the decision. The response period may be extended at the discretion of the Responsible Officer. The appeal shall be referred to the Chair of the PCC, whose decision shall be final.

- D.10 If the Complaint meets the threshold criteria, it will be dealt with through these Disciplinary Procedures, the Respondent shall be notified in writing, with particulars of the Allegation and the evidence in support of the Allegation, and shall be invited to respond in writing within 20 working days of receiving such notification. Other than in exceptional circumstances, the identity of the Complainant will be included in the notification served on the Respondent. The response period may be extended at the discretion of the Responsible Officer.
- D.11 A copy of the response by the Respondent shall be sent to the Complainant, who may submit a response in writing, if he or she wishes, such response to be sent to the Responsible Officer within 10 working days, for inclusion in the case file to be forwarded for consideration by the Professional Conduct Committee. The response period may be extended at the discretion of the Responsible Officer.

### ***Complaints initiated by Council or the Chief Executive***

- D.12 If it is brought to the attention of Council, without a Complaint otherwise having been made, that a breach of the Code of Conduct may have been committed, Council may require that the matter be investigated, and will instruct the Chief Executive to do so.
- D.13 The decision of Council that a possible breach of the Code of Conduct be investigated shall neither prejudice, nor be deemed to prejudice, the independence of the ensuing procedures or the conclusions reached.
- D.14 If it is brought to the notice of the Chief Executive, by whatever means, that a breach of the Code of Conduct may have occurred, the Chief Executive shall investigate the matter and if, after investigation, it appears appropriate, shall refer the matter to the Professional Conduct Committee. The Chief Executive may delegate investigation of such matters to the Responsible Officer.
- D.15 If a Complaint is made against a Chartered Linguist by the governing council or board or the equivalent committee of a Qualifying Body, the decision by such body that the Complaint be made shall neither prejudice, nor be deemed to prejudice, the independence of the ensuing procedures or the conclusions reached.
- D.16 Except where it appears to it that it would not be in the interests of justice to do so, the Disciplinary Committee may hear Allegations against two or more Respondents at the same time and two or more Allegations against a Respondent or Respondents at the same time.

## **SECTION E – PROCEDURES OF COMMITTEES**

### ***Professional Conduct Committee***

- E.1 A Panel appointed to consider an Allegation referred to the Committee will consider the case file of the Allegation prepared by the Responsible Officer, including the Complaint, the response by the Respondent and any further relevant written and documentary evidence available to it.

- E.2 The Panel may conduct its business by correspondence, including e-mail, and/or meet to consider the Allegation, as it sees fit.
- E.3 The Panel will not hold hearings. However, it may seek additional information, and may obtain legal or other expert advice, as it considers necessary.
- E.4 The Panel will not communicate directly with the Complainant or the Respondent, but will seek any further information required from them via the Responsible Officer.
- E.5 The Panel will as soon as reasonably practicable produce a written report of its decision and the reasons for the decision, with reference to the terms of reference of the PCC set out in these procedures.
- E.6 The Respondent and the Complainant will be informed of the decision of the Committee as soon as reasonably practicable, normally within five days of the decision, and will be given a copy of the Committee's report.

### ***Disciplinary Committee***

- E.7 The Responsible Officer may undertake such further investigation of a matter referred to the Disciplinary Committee as he or she considers necessary; information from such investigation may be included in the materials forwarded to the Committee.
- E.8 A Panel appointed to consider an Allegation referred to the Disciplinary Committee will receive the statement of the Allegation, the written and documentary evidence submitted to the PCC, and such other material as may be submitted, as provided for in Section F.
- E.9 The Panel will conduct a hearing as specified in Section F, subject to the following exceptions:
  - (a) an Allegation may be considered entirely on the basis of written evidence if this is requested by the Respondent, and the Chair of the Committee agrees;
  - (b) an Allegation involving a practitioner based overseas will normally be considered entirely on the basis of the written statements and other documentation submitted, subject to the discretion of the Chair of the Committee.
- E.10 A Panel of the Disciplinary Committee may be assisted by a legal advisor at any hearing.
- E.11 The Panel will make a written report setting out its decision and the reasons for its decision and will forward it to the Responsible Officer. The report shall be forwarded to the Complainant and the Respondent without delay.
- E.12 Any sanction determined by the Disciplinary Committee will come into effect immediately, but shall normally be suspended if the Respondent gives notice of appeal within the permitted time. However, if the Panel is satisfied that it is necessary for the protection of members of the public or is otherwise in the public interest or in the interests of the Respondent it may make a provisional order to impose interim suspension or conditions of practice pending resolution of the appeal.

### *Disciplinary Appeals Committee*

E.13 The regulations concerning the procedures of the DAC are set out in Section G.

## **SECTION F – HEARINGS OF THE DISCIPLINARY COMMITTEE**

- F.1 Subject to the exceptions described in the previous section, a Panel appointed under the authority of the Disciplinary Committee will conduct a hearing to determine an Allegation referred to the Committee.
- F.2 Hearings will normally be held in public. The Panel may at its discretion hold all or part of a hearing in private.
- F.3 The Allegation will be presented at the hearing by the Institute’s Representative, who will represent the Institute at the hearing.
- F.4 The Respondent and the Institute’s Representative will be sent written notice no less than 40 working days before the date of the hearing, with the following information:
- (a) the date, time and place of the hearing;
  - (b) the Allegation to be considered and the evidence adduced in support of the Allegation;
  - (c) the names of the Panel members.
- F.5 The Respondent and the Institute’s Representative shall have the right to object to the participation of any Panel member if he or she can demonstrate a clear conflict of interest or any bias that is likely to prejudice the proceedings. A written statement setting out the reasons for such objection must be sent to the Responsible Officer no less than 30 working days before the hearing is scheduled to take place, and shall be referred to the Panel. If the Panel considers the objection to be reasonable, the Chair shall take steps to constitute a new Panel and, if necessary, make new arrangements for the hearing.
- F.6 The Respondent may, at his or her discretion, appoint a Friend to assist him or her at a hearing, and shall provide the Responsible Officer, not less than 30 working days before the hearing, with the name and contact details of the appointed Friend.
- F.7 The Respondent shall be entitled to provide evidence in defence or mitigation, and, if he or she wishes, a further written statement additional to the statement submitted in response to the original notice of the Allegation.
- F.8 Such evidence and written statement must be submitted to the Responsible Officer not less than 10 working days before the hearing, and will be forwarded immediately to the Institute’s Representative and the Panel.
- F.9 The Institute and the Respondent may nominate witnesses and must provide the Responsible Officer with the names and contact details of witnesses not less than 30 working days before the hearing.

- F.10 Either party wishing to nominate more than two witnesses must seek authority in writing from the Chair of the Panel, giving reasons for his or her request.
- F.11 Other witnesses, if any, invited to give evidence, shall be sent written notice no less than 20 working days before the date of the hearing, advising the date, time and place of the hearing, the name of the Respondent, and any relevant administrative information.
- F.12 A Panel may adopt any measures it sees fit to facilitate the receipt of evidence from vulnerable witnesses.
- F.13 The Respondent may choose to attend the hearing or not, to attend the hearing alone or with an appointed Friend, or to be represented *in absentia* by the appointed Friend.
- F.14 A hearing may proceed despite the absence of the Respondent or anyone appointed as Friend to represent the Respondent, provided that the Panel is satisfied that notice of the hearing has been properly served, as prescribed above, and all reasonable steps have been taken to bring the hearing to the Respondent's attention.
- F.15 The Responsible Officer or a member of staff with delegated authority may be present at hearings to ensure the smooth running of the hearing. He or she shall take no active part in the proceedings.
- F.16 The hearing will normally proceed as below. (In the following, "the Respondent" shall mean the Respondent, or the Friend of the Respondent speaking for the Respondent.)
- (a) the Institute's Representative will present the Allegation;
  - (b) the Chair will invite the Respondent to make a statement in response to the Allegation, if he or she wishes;
  - (c) the Institute's Representative will invite the witnesses in support of the Allegation to give evidence, including the Complainant, if he or she is present and wishes to do so;
  - (d) the Respondent may ask questions of the witnesses and/or the Complainant;
  - (e) the Respondent may give evidence;
  - (f) the Institute's Representative may put questions to the Respondent; the Chair, and members of the Panel through the Chair, may also put questions to the Respondent;
  - (g) the Respondent may invite the witnesses in his or her support to give evidence;
  - (h) the Institute's Representative may put questions to witnesses; the Chair, and members of the Panel through the Chair, may also put questions to the witnesses;
  - (i) the Institute's Representative may make a final statement;
  - (j) the Respondent or the Friend of the Respondent may make a final statement;
  - (k) the Chair of the Panel may sum up.
- F.17 Notwithstanding the above, in a case of alleged sexual impropriety against a witness, the Respondent shall not, without the express permission of that witness, be allowed to cross examine that witness in person. In such cases, the Institute may seek legal advice and may adapt these procedures accordingly.

- F.18 The Institute's Representative or the Respondent may request an adjournment to another day. The Chair may accede to such a request at his or her discretion. If the request is granted, the Chair may determine the date for resumption of the hearing.
- F.19 The Panel will endeavour to reach a conclusion on the Allegation and the action to be taken immediately after the hearing. Decision shall be by majority vote. The Chair shall have a second, casting vote, in case of equality of votes.
- F.20 No persons other than the Panel members shall be present during the Panel's discussion of the Allegation, following the hearing.
- F.21 The Panel shall write a report of its decision and the sanction, if any, to be imposed. The report must be signed or otherwise confirmed by all members of the Panel. The report shall be delivered to the Responsible Officer as soon as possible after the decision has been reached.
- F.22 The report shall be forwarded to the Respondent as soon as practicable, normally within five working days of the hearing being concluded.
- F.23 A copy of the report shall also be forwarded to the Complainant.
- F.24 An audio recording will be made of the hearing. A written summary record shall also be made. The audio recording and written summary shall be kept by the Institute together with the Panel's report, as an overall record of proceedings.

## **SECTION G – APPEAL**

- G.1 The Respondent shall have the right to appeal against the decision of the Disciplinary Committee, in regard to the Allegation or to the sanction imposed, or both.
- G.2 Appeal must be lodged no more than 15 working days from the date that notice of the decision of the Disciplinary Committee is served on the Respondent.
- G.3 An administrative charge may be made for lodging an appeal, such charge may be refunded if the appeal is successful.
- G.4 The appeal must set out the grounds for the appeal in sufficient detail for the appeal to be assessed. If the appeal is based in whole or in part on new evidence, the Respondent must provide such evidence with the appeal.
- G.5 The Chair of the Disciplinary Appeals Committee shall appoint a Panel to consider the appeal. The appeal will be considered, whenever possible, within 30 working days of the appeal being lodged.
- G.6 The Institute's Representative shall be informed as soon as reasonably practicable that an appeal has been lodged, and the grounds for the appeal, including new evidence if such is submitted.

- G.7 The Institute shall be permitted to submit a response to the Respondent's grounds of appeal, which must be provided to the Respondent no less than 10 days before the appeal.
- G.8 The Respondent and the Institute's Representative shall be informed as soon as reasonably practicable of the names of the Panel appointed to consider the appeal.
- G.9 The Respondent and the Institute's Representative shall have the right to object to the participation of any Panel member if he or she can demonstrate a clear conflict of interest or any bias that is likely to prejudice the proceedings. Such objection must be lodged within 10 working days of notification, and will be considered by the Panel. If the Panel considers such an objection to be reasonable, the Chair shall take steps to constitute a new Panel.
- G.10 An appeal will not be heard by way of a re-hearing. The Panel will conduct a review of the decision of the Disciplinary Committee, by reference to the evidence and submissions received by the Disciplinary Committee.
- G.11 If either party seeks to rely on evidence that was not before the Disciplinary Committee, the Panel may only consider that evidence if:
- (a) the evidence is material to an issue in the case; and
  - (b) there is a good reason that the evidence was not made available to the Disciplinary Committee.
- G.12 When determining an appeal, the Panel may decide as follows:
- (a) that there was a significant flaw in the conduct of the Disciplinary Committee hearing, **and/or**
  - (b) there are other material factors that should be taken into account, **and/or**
  - (c) the sanction imposed is disproportionate.
- G.13 The Panel may at its discretion invite the Respondent and/or the Institute's Representative to attend a meeting to respond to questions. The Respondent or the Institute's Representative may request such invitation.
- G.14 The Responsible Officer or a member of staff with delegated authority may be present at meetings of the Panel. He or she shall take no active part in the deliberations.
- G.15 A Panel of the Disciplinary Appeals Committee may be assisted by a legal advisor.
- G.16 The Panel shall forward a written report setting out its decision and the reasons for its decision to the Responsible Officer as soon as practicable after reaching its conclusions.
- G.17 The Respondent shall be informed in writing of the outcome of the appeal as soon as practicable, normally within 5 working days of the Panel having forwarded its written decision to the Responsible Officer, and will be given a copy of the Panel's report.
- G.18 The decision of the Disciplinary Appeals Committee following the procedures described above shall be final.

## **SECTION H – ADMINISTRATION, COSTS, EXPENSES**

### *Administration*

- H.1 The Chief Executive shall be responsible for the administration of the disciplinary procedures.
- H.2 The Chief Executive may delegate a member of staff as the Responsible Officer to handle administrative procedures in regard to a particular Complaint. All correspondence except where indicated in these procedures should be addressed to the Responsible Officer.

### *Costs and expenses*

- H.3 The Institute will not reimburse either the Complainant or the Respondent in respect of legal or other costs incurred in preparing the Complaint or defence except as specified below.
- H.4 Reasonable travel and subsistence expenses, at the established Institute rate, may be reimbursed to those invited to attend hearings. This provision shall include the Respondent, the Respondent's Friend, and witnesses including the Complainant if attending the hearing. Such expenses must be confirmed in advance with the Responsible Officer.
- H.5 Reasonable travel and subsistence expenses may be reimbursed, at the established Institute rate, to members of Committees and Panels, to witnesses including the Respondent and the Complainant, to the Friend of the Respondent if any, and to external advisers and specialists invited to attend hearings.
- H.6 Lay Persons will receive an annual retention fee and will be paid a fee for participation in the work of a Committee or Panel and for other relevant work.
- H.7 Chairs and Vice-Chairs, and members of the Support Pool other than Lay Persons will be entitled to receive payment for participation in the work of a Committee or Panel and for other relevant work at a rate determined by Council.
- H.8 Reasonable professional fees may be paid to external advisers and specialists.

### *Service of Notices*

- H.9 Service of a notice or other formal communication upon any member or Chartered Linguist, shall be effected by first class post or any other service which provides for delivery on either the day that the letter was sent or on the next business day to the address in the Register of members or the Register of Chartered Linguists.
- H.10 A notice that is sent by first class post or by other service as described above shall be deemed to have been served on the first business day (that is to say a day other than a Saturday or Sunday or a bank or public holiday) following that on which the letter containing the same is posted, and in proving such service it shall be sufficient to show that the letter containing the notice was posted as a prepaid letter.

H.11 Such notice or other formal communication may also be communicated by e-mail to the member's or Chartered Linguist's e-mail address registered with the Institute, but such communication shall not be deemed to satisfy the requirements for service of notice.

*These **Disciplinary Procedures**, approved by Council on 13 July 2013, replace the **Disciplinary Framework and Procedures** approved by Council 17 November 2007, amended 7 February 2009, 28 November 2009 and 26 November 2011.*