

MINERALOGICAL SOCIETY

Disciplinary Procedure

The Mineralogical Society, has, since its inception, provided for the expulsion of members (Bye-Law 44¹) who are at odds with the object and legal requirements of the Society under Charity Law. Since November 2004, the Council has also implemented a code of Conduct which must be adhered to by all Society Members.

Preamble

1 Professional conduct is governed by a Code of Conduct (the Code). Alleged breaches of the Code may prove to be founded in fact and deserving of sanction so each must be investigated by the Council. The principles of the investigation, and any subsequent disciplinary enquiry are that:

- no one is guilty until so found,
- any enquiry will be open and fair, and
- proved breaches of the Code shall attract sanctions commensurate with the seriousness of the breach.

Preliminary Investigation Committee (PIC)

2 The first stage, on receipt of an allegation (the complaint) is a preliminary investigation to determine whether or not there is a case to answer.

3 Such investigation will be conducted by the PIC, on behalf of the Council, comprising a standing chairman appointed by the Council from amongst the Society's Officers and Custodian Trustees (who shall chair all investigation meetings during his term of office) and two other Officers of the Society. This Committee shall be serviced by the Executive Director.

4 The Executive Director, on receipt of a complaint, shall inform the Chairman of the PIC and the person complained about (the defendant), and shall seek what elaboration, evidence, and answers he considers necessary.

5 When enough information is available, the Executive Director shall convene a meeting of the PIC to consider the complaint and the supporting information. Normally, the complainant and the defendant would not attend although the Chairman may exercise discretion to the contrary.

6 A finding of 'no case to answer' would dismiss the complaint and, to save unnecessary publicity, would not be reported to the Council. Similarly, a withdrawal of a complaint need not be reported. However, a record will be maintained (consistent with the Data Protection Act 1998) for audit purposes.

7 A finding of 'case to answer' would require a recommendation to the Council that the disciplinary procedure be activated.

Disciplinary Committee (DC)

8 The Council will authorise the holding of a disciplinary hearing by the DC comprising a standing chairman (who shall chair all disciplinary meetings during his term of office) who shall be an Ordinary Member or Fellow of the Society but not a member of the Council, and three others (of whom one will be a non-member of the Society) from a pool of nine possible members elected by Council for a period of three years and representing various disciplines. None of those eligible to sit on the DC shall serve concurrently on the PIC. This Committee shall be serviced by the Executive Director.

9 This DC shall have delegated authority from Council to examine the complaint, and to decide its justification, but only to recommend appropriate sanctions if it finds the complaint justified.

10 The Council may appoint/invite a non-participating lawyer to attend to advise on process but not to vote on the decision.

11 Defendants shall be entitled to bring to the hearing a next friend who may be a lawyer whom they will pay to represent them.

12 Hearings comprise a statement (by the complainant or a representative appointed for the purpose – such as the Executive Director or solicitor) of the complaint and evidence to support it (with any cross-examination of witnesses) followed by a rebuttal (by the defendant or his representative) with evidence (which is also open to cross-examination). Additionally, some evidence may be by means of written statements at the DC's discretion.

13 At the conclusion of the hearing, the DC makes a decision on the justification or not of the complaint, and notifies Council of its recommendation.

- 14 If the complaint is admitted, the only steps are to hear mitigation and to decide the recommended penalty.
- 15 The Executive Director will inform the parties accordingly and notify both parties of a right to appeal.
- 16 Penalties may be exclusion from membership and loss of chartered status, suspension of membership, reprimand, retraining or other. Penalties should be in the form of recommendations by the DC to the Council because only the Council of the Society has the authority to implement them but any such recommendations would normally be accepted by Council without challenge.

Appeal Committee (AC)

- 17 If leave to appeal is sought, it must so be done within a month of the publication of the decision of the DC (as recommended by the DC and subsequently approved by Council). The right to appeal shall depend only upon new evidence becoming available since the hearing or an apparent injustice at that hearing.
- 18 Council, if it grants the right of appeal, shall constitute an Appeal Committee comprising two Past Presidents of the Society and one lay person each of whom shall have had no contact with the matters under appeal beforehand. The Executive Director shall service the AC.
- 19 Appeals may take whatever form the AC shall decide in its discretion. Its decision may be to uphold or dismiss the original decision or to order a rehearing of the complaint by the DC. It shall not itself conduct such a rehearing.
- 20 Its decision shall be communicated to Council and to the parties by the Executive Director.

¹Bye-law 44. Professional conduct is governed by a Code of Professional Conduct (the Code) published by the Council of the Society. Alleged breaches of the Code are investigated according to the Disciplinary Procedure adopted by the Council and may in cases of extreme misconduct lead to exclusion of the Member and a loss of Fellowship status.