

The Code of Professional ~~Standards~~Conduct

General Regulations for the Provision of Professional ~~Standards~~Conduct, Ethics and Disciplinary Procedures in accordance with Royal Charter Bye-laws 16-19

The Code of Professional ~~Standards~~Conduct

~~All paragraphs within Section 2 in bold type form the General Regulation.~~

~~To assist members in their understanding of the Code, the Code itself is reproduced in bold below, followed by brief guidance notes relating to its interpretation and application.~~

1. Preamble

One of the Objects of The Chartered Institute of Marketing ("The Institute") as set out in Article 2 of its Royal Charter is: "To promote and maintain high standards of professional skill, ability and integrity among persons engaged in marketing products and services". In furtherance of this Object, the Institute requires its members to recognise their responsibilities to customers, employers, colleagues and fellow marketers, and to the public in general. In order to maintain the recognition and honouring of such responsibilities, the Institute requires all members to adhere to the Code of Professional ~~Standards~~Conduct, as a condition of membership.

Where a complaint is made by any person that a member of the Institute has acted in breach of the Code of Professional ~~Standards~~Conduct, the complaint will be processed by the Chairman (a lawyer) and the members of the Disciplinary Committee of the Institute. A number of different ways are provided for the disposing of the complaint, but members should note that where the misconduct is sufficiently serious to justify it, the Disciplinary Committee, with the approval of the Board of Trustees, has the power to expel a member from the Institute.

Introduction

~~—The following notes are designed as a guide to members to help them understand what lies behind the current standards that have been set, and how they are likely to be interpreted in practice. These notes can never do more than that, because the final arbiters of what is professional misconduct or not is in each individual case the Disciplinary Committee's view of it.~~

~~—Neither are these guidelines to be regarded as an exhaustive explanation of the standards. The guidelines follow the current professional standards numbering system:~~

2. Code of Professional ~~Standards~~ Conduct

2.1 A member shall at all times conduct himself with integrity in such a way as to bring credit to the profession of marketing and The Chartered Institute of Marketing.

~~This standard reflects the call upon the Institute by its Royal Charter to maintain for the benefit of the public high standards of professional skill, ability and integrity amongst marketers. Public confidence is crucial. Obviously anything done without integrity, or which is discreditable, affects the public's perception of marketers when dealing with the next marketer they encounter. As is well known, a marketer's field of work cannot be closely overseen by those who engage their services, neither can they easily perceive whether work has been done unnecessarily, wastefully, or unprofessionally. Examples of gross lack of integrity can be imagined from these features.~~

~~If a marketer is convicted of a serious criminal offence, arising out of his private or working life, bringing discredit on the profession or the Institute e.g. a conviction for fraud or blackmail, then this would be a breach of this standard. In cases of complaint where there is no conviction (which is often going to be the case) then the Committee itself will decide whether the complaint is proved. As in all complaints of misconduct the onus of proof is on the complainant and the standard of proof will be commensurate with the gravity of the offence. In cases which allege criminal conduct, the standard of proof will be the criminal standard.~~

~~— The scope of this standard covers all behaviour which the public knows of, or is likely to find out about, which unjustifiably brings the profession or the Institute into public disrespect.~~

~~— As in all standards and in this one in particular, a good test which a member can apply to himself is to ask whether there was an informed member of the public who would consider his conduct to be lacking in credit, unprofessional, and likely to bring the Institute into disrepute.~~

2.2 A member shall not by any unfair or unprofessional practice injure the business, reputation or interest of any other member of the Institute.

~~This standard does nothing to discourage legitimate competition between members. But it is not to be by unfair or unprofessional practice. Such features cause members to distrust each other; it allows the unfair member to gain advantage by unscrupulous means rather than merit; and it does not serve the public who can be deceived by unfair practices into not choosing the most appropriate person for them to employ. This standard is related to 2.1 because it is almost impossible to carry on an unfair or unprofessional practice without others getting to know about it and discrediting the profession.~~

2.3 Members shall, at all times, act honestly in their professional dealings with customers and clients (actual and potential), employers and employees.

~~— This standard is self-explanatory and sets members a minimum standard of behaviour commonly accepted in our society today. This standard is also related to 2.1.~~

——— A conviction of a member for serious dishonesty, particularly in the course of his work as a marketer, is very likely to lead to expulsion from the Institute. This standard not only includes requirements of honesty towards employees but also towards suppliers and clients. This very important standard covers potential clients, for example those who are being given proposals, quotations and descriptions about the expertise of the member or his employees.

2.4 A member shall not, knowingly or recklessly, disseminate any false or misleading information, either on his own behalf or on behalf of anyone else.

To 'knowingly disseminate' such information means to know that you are doing it, or causing it to happen when somebody else is doing it on your behalf. To "recklessly disseminate" such information means either that you have not checked the information properly when you know that it is false or misleading, or alternatively you disseminate it not caring whether it is false or misleading.

——— The standard covers a wide span of activity. It deals with a member's own information about himself and his services. As such it relates to 2.8. It particularly relates to how he "sells" himself. For example, to claim to a client that he has expertise in a particular speciality when he does not, could amount to a breach of this standard. The standard also is concerned with the way he imparts information on behalf of a client or customer. He should not knowingly make himself a mouthpiece of information which is false or misleading. Current advertising standards should be borne in mind, especially as marketing communications are a central plank of member's activities. The tenet "Legal, Decent, Honest and Truthful" applies.

2.5 A member shall keep abreast of current marketing practice and act competently and diligently and be encouraged to register for the Institute's scheme of Continuing Professional Development.

When members hold themselves out as marketers and members of the Institute they are in fact holding themselves out as being up to date practitioners (unless they expressly state that they are not). And so it is essential that members should keep themselves up to date. This standard also relates to standard 2.1.

——— It is obvious that a member enhances his profile when he offers himself as a member of the Institute, but the right to do that carries the corresponding duty to act with the competence and knowledge that membership of the Institute implies. A member who is neglecting to keep himself up to date is being careless with the Institute's reputation.

2.6 A member shall, at all times, seek to avoid conflicts of interest and shall make prior voluntary and full disclosure to all parties concerned of all matters that may arise to any such conflict. Where a conflict arises a member must withdraw prior to the work commencing.

This standard may be thought to be tough but it is necessary and relates back to the standard 2.1 and 2.3. Clearly conflicts of interest colour judgement and in most cases may influence members to compromise themselves. Even if the member did not compromise himself, those who find out later about the conflict are likely to perceive that he has.

2.7 A member shall keep business information confidential except: from those persons entitled to receive it, where it breaches this code and where it is illegal to do so.

~~Such information belongs to the client. Clearly all business information that comes into the possession of members in their professional dealings must be treated confidentially and should only be disclosed in the ways that are permitted by its owner. To employ it as if it is one's own particularly for profit or in a way injurious to the client would be serious breaches of the standard.~~

~~— This standard is a central plank in the ethical dealings of members, and is the hallmark of a professional. It is all to do with trust. A client must be able to trust a member of the Institute when making disclosures to him in the course of business.~~

2.8 A member shall promote and seek business in a professional and ethical manner.

~~This standard although short has very wide implications. It relates to how a member seeks and goes about business; and to the use of undue influence, bribes and inducements, which, subject to circumstances, are almost invariably an unprofessional practice. This standard is also related to 2.2 which concerns itself with unfair or unprofessional practices injuring competitors. It also arises from Article 2 of the Royal Charter because if a member's business is being maintained by these means it ipso facto is not being maintained by high standards of professional skill ability and integrity.~~

2.9 A member shall observe the requirements of all other codes of practice which may from time to time have any relevance to the practice of marketing insofar as such requirements do not conflict with any provisions of this code, or the Institute's Royal Charter and Bye-laws; a list of such codes being obtainable from the Institute's Head Office.

~~It is recognised that the vast majority of professional codes of conduct are very similar, and that where a member is working in an environment with a multi-disciplinary team they should understand the standards which other members of the team are working to. If for example a member is working in the area of medical records, it would be a breach of this standard to have no regard at all for the confidentiality of those medical records. If a member feels that a breach of another code of practice has relevance to what he is doing (or when he is informed that it has) he should seek a copy from the Institute's Information and Library Service (Tel: +44 (0)1628 427333), which currently maintains a directory of professional codes of conduct for the United Kingdom.~~

2.10 Members shall not hold themselves out as having the Institute's endorsement in connection with an activity unless the Institute's prior written approval has been obtained first.

~~— There have been cases in the past where members have used the Institute's logo in such a way in their literature as to convey the impression that the Institute is endorsing their company, or products or services thereby suggesting that they were working in some way for the Institute or on its behalf. A similar impression can be created that in some~~

~~way the Institute is regulating, or worse still responsible for, that member's activities. This is a wholly wrong practice and is strictly prohibited unless the member has prior written approval from the Institute to do so, and only then in the prescribed manner. The general public must know with whom they are dealing. This standard is related to 2.2, 2.4 and 2.8. Apart from exposing the Institute, any member who does this without permission is gaining an unfair advantage by clothing his activities with the respectability that the Institute's "stamp of approval" would give to his projects. There have been cases where customers have thought they have been dealing with the Institute, when it was not the case.~~

2.11 A member shall not use any funds derived from the Institute for any purpose which does not fall within the powers and obligations contained in the Constitution and Member Group Guide, and which does not fully comply with this code.

~~— A number of members hold honorary positions within the Institute and have responsibilities and funds at their disposal. These funds obviously must be used for the purpose for which they were approved by the Institute and no other. Advice in the area can be sought from Head Office and from the Member Group Guide. Members are reminded that a substantial misuse of funds given to them for a specific purpose by the Institute and then applied outside that purpose could lead to criminal prosecution or to a civil action against that member personally for recovery of those funds. From the disciplinary point of view, important questions will include on what was the money spent? Was it openly or secretly spent? What knowledge did the member have that such a course of action was a misuse of funds?~~

2.12 A member shall have due regard for, and comply with, all the relevant laws of the country in which they are operating.

~~— This particular standard is self-explanatory and has particular relevance to international dealings. It is the member's personal responsibility to ascertain what national jurisdiction governs his contract for services, and to make it his business to know the relevant laws in the country in which he is operating. All countries do not have the same laws, and particular care in this respect needs to be taken in financial dealings. This standard is also related with 2.1.~~

2.13 A member who knowingly causes or permits any other person or organisation to be in substantial breach of this code or who is a party to such a breach shall himself be guilty of such breach.

~~— In short a member who knowingly causes or permits another person to be in substantial breach of the code shall be deemed himself to be guilty of such breach. A word of explanation about what "knowingly causes or permits" means maybe helpful here. This standard is aimed at the member who gets somebody else to act in an unprofessional and unethical manner on his behalf, knowing that the work would involve a breach of the code. It would be a technical~~

Disciplinary offence for a member "to permit" another person to act in breach of the code where he can only seek to persuade him not to but he lacks the power to prevent him. On the other hand it would be far from a technical offence if that breach of the code is designed by the member to lead to substantial profit for that member, or serious injury to a competitor.

~~In many cases there are others who work for a member who are not themselves members of the Institute. It is not a permissible practice to get those who work for you to undertake activities which are not permissible under the code. It is very important for members to maintain ethical quality standards and provide sufficient peer group pressure so that others adopt the same standards.~~

2.14 A member shall observe this Code of Professional StandardsConduct as it may be expanded and annotated and published from time to time by the Constitution and Ethics Committee in the manner provided for below.

~~**This is the basic standard of compliance, and members should be aware that changes to the code will be made from time to time and brought to their attention in Institute publications by the Constitution and Ethics Committee.**~~

3. The Constitution and Ethics Committee

3.1 The Board of Trustees shall constitute a committee to be called the Constitution and Ethics Committee which shall keep the above Code of Professional StandardsConduct under constant review and shall expand and annotate the same as they may think fit in the light of changing circumstances, and shall publish such material to the effect as the Board of Trustees shall order.

4. The Disciplinary Committee

4.1 If any complaint should be made against any member it shall be considered by the Disciplinary Committee.

4.2 The Disciplinary Committee shall consist of between five and seven members appointed by The Board of Trustees. A member so appointed shall be eligible for re-appointment at the expiration of any defined period of office.

~~Two of those members so appointed shall be lay members that is to say persons of good reputation and standing who are not members of the Institute.~~

~~4.3 The Chairman of the Disciplinary Committee shall be a Barrister or a solicitor who has been in practice not less than 10 years. If by reason of illness or absence the Chairman becomes temporarily incapable of performing the duties of his office, the Board of Trustees acting upon the advice of the Chairman or the Chairman of the Bar Council or the President of the Law Society, shall appoint another member of the Bar or of the Law Society as the case may be to be a member of the Committee and to act in the place of the Chairman until he is able to resume the performance of the duties of his office.~~

~~4.4~~—A person may be appointed to be a member of the Committee whether he is or is not a member of the Institute but:

4.34.1 The Chairman shall be a Barrister or solicitor who has been in practice not less than 10 years If by reason of illness or absence the Chairman becomes temporarily incapable of performing the duties of his office, the Board of Trustees acting upon the advice of the Chairman or the Chairman of the Bar Council or the President of the Law Society, shall appoint another member of the Bar or of the Law Society as the case may be to be a member of the Committee and to act in the place of the Chairman until he is able to resume the performance of the duties of his office.

And

4.34.2 At least three members of the Committee shall be either Fellows or Members of the Institute with at least 10 years membership of the Institute

4.34.3 The Committee when constituted shall include at least one lay member, and if the committee has more than five members, at least two lay members. Lay members shall be persons of good reputation and standing who are not members of the Institute.

4.45 The quorum of the Committee shall be three, of whom the Chairman shall be one.

4.56 The Committee may act by a majority of the members present, and in the case of an equality of votes the Chairman shall have a casting vote.

4.67 The Secretary shall be a person appointed by the Board of Trustees and shall be a person who is as far as reasonably practicable independent from those officers of the Institute who may be concerned with the process and presenting of complaints to the Disciplinary Committee.

5. The Procedure for Complaints

5.1 A complaint may be made by any person that a member of the Institute failed to observe the Code of Professional ~~Standards~~Conduct whilst he was a member of the Institute.

5.2 Any complaint so made against a member shall be in writing under confidential cover and addressed to the Secretary of the Disciplinary Committee at Moor Hall, Cookham, Berkshire, SL6 9QH, UK. The name and address of the person making the complaint shall be given. The name and address of the member complained against shall also be given, or alternatively a sufficient description of him to identify him. The complaint shall also set out the circumstances which constitute the complaint and state the relationship, if any, between the complainant and the member.

5.3 The Chief Executive or Board Chair of CIM shall have a duty to raise a complaint if there is evidence of a breach of the Code and it is in the interests of CIM to take the complaint forward. In such instances it is the Institute itself who is the complainant.

6. Defective Complaints

Any communication purporting to be a complaint which does not comply with the requirements of paragraph 5.2 (a "defective complaint") will not be processed by the Institute. However, where a defective complaint is addressed to or otherwise comes to the attention of the Secretary and the sender's details are set out in the defective complaint, the Secretary shall request the sender to submit a further communication complying with paragraph 5.2.

Unless and until such further communication is received the Institute will take no action in regard to the defective complaint

7. The Processing of Disciplinary Complaints

7.1 When the Secretary receives a complaint, complying with paragraph 5.2 from any person in which it is alleged that a member of the Institute, or a person employed by him in the carrying on of his business, has been guilty of a failure to observe the Code of Professional ~~Standards~~Conduct, (hereinafter referred to as "professional misconduct"), the Secretary shall submit the complaint to the Chairman of the Disciplinary Committee.

7.2 The Chairman shall direct the Secretary to send a copy of the complaint to the member who is the subject of the complaint, provided that, where the complaint has been stayed pursuant to paragraphs 7.3, 7.4 or 7.5 below, there shall be no communication with the said member until the relevant information under these paragraphs has been received and the Chairman has decided that the complaint should no longer be stayed. Once the Chairman has made such a decision, he shall direct the Secretary to send a copy of the complaint together with a copy of all such relevant information to the said member. The communication of the complaint to the said member shall contain an invitation to answer or explain the complaint made against him by written submissions drafted by himself or through a representative.

7.3 The Chairman shall, if in his opinion the complaint does not set out the circumstances of the complaint in sufficient detail to allow the person complained against to comprehend the nature and extent of the complaint so as to afford him a fair opportunity of knowing the case that is alleged against him, direct that better and further particulars are given of the complaint. Until such particulars are given to the satisfaction of the Chairman, the complaint shall be stayed.

7.4 The Chairman may require that any allegation of fact contained in any complaint shall be substantiated by a written statement signed by a responsible person if he thinks fit, and any such statement shall specify as respects any fact not within the personal knowledge of the declarant, the source of his information and the grounds for his belief in its truth. Until such a statement is received which the Chairman considers is satisfactory in regard to both its form and contents, the complaint shall be stayed.

7.5 The Chairman may require that any allegation of fact contained in any complaint shall be clarified by the giving of further and better particulars of the allegation or by any other means he considers that will clarify the allegation. Until such particulars are given or such allegation has been otherwise clarified, in both cases to the satisfaction of the Chairman, the complaint shall be stayed.

7.6 The Chairman may require that any answer or explanation offered by the member about whom the complaint is made shall be clarified by the giving of further and better particulars of that answer or explanation or by any other means he considers necessary to clarify that answer or explanation. The Chairman may stay the complaint until such particulars are given or such answer or explanation has been otherwise clarified, in both cases to his satisfaction, but if the said member refuses to provide such particulars or clarification, or fails to do so expeditiously, the Chairman may proceed to dispose of the complaint on the basis of the information already obtained.

7.7 When he has considered the complaint, the evidence available in support thereof and any answer or explanation submitted by the member complained about, the Chairman shall deal with the matter as follows:

7.7.1 if he is of the opinion that

7.7.1.1 the case is not within the jurisdiction of the Disciplinary Committee, or

7.7.1.2 the complaint is of a frivolous or trivial character, or

7.7.1.3 owing to a lapse of time, or other circumstances the complaint may properly be disregarded; or

7.7.1.4 the primary purpose of the complaint is to obtain a political advantage for the complainant rather than to initiate proceedings because a disciplinary offence may have occurred

he shall recommend to the Disciplinary Committee that the case shall not proceed further.

If after consultation orally or by letter with the other members of the Disciplinary Committee, the Disciplinary Committee accept the Chairman's recommendation then the complaint so referred ~~to~~ shall proceed no further, and both the complainant and the member complained of shall be promptly notified by the Secretary of ~~such~~ such a decision and the reason therefor. If the Disciplinary Committee, after consultation, do not accept the recommendation of the Chairman, then the complaint will be disposed of in one of the manners provided for below:

7.7.2 If the Chairman is of the opinion that the professional misconduct alleged in the complaint does not constitute sufficiently serious professional misconduct, or is for any other reason of such a character that the matter can be disposed of without a full disciplinary Inquiry, as provided for below, he shall, after consultation with the Disciplinary Committee and the receipt of their agreement to this course of action, direct the Secretary:

7.7.2.1 To inform the member about whom the complaint has been made that the Chairman has in mind that a written reprimand shall be issued to him and that he will be then cautioned as to his conduct.

7.7.2.2 To invite the said member to accept this form of disposal of the complaint and the caution issued with this disposal without there being a full ~~disciplinary~~ Disciplinary Inquiry.

If the member does accept such disposal by way of written reprimand, the member shall be so reprimanded and cautioned and that will conclude the determination of that complaint. The Secretary shall thereupon notify the complainant of the decision of the Disciplinary Committee and the determination of the complaint.

7.7.3 In those cases where the Disciplinary Committee do not accept the recommendation of the Chairman that the member shall be sent a written reprimand, or the member against whom the complaint has been made does not agree to the disposal of the complaint by way of a written reprimand, the Disciplinary Committee shall direct the Secretary to take the necessary steps for the holding of an Inquiry by the Disciplinary Committee.

When making its direction to the Secretary as aforesaid, to take the necessary steps for the holding of an Inquiry, the Disciplinary Committee:

- a) if it is of the opinion that the complaint primarily is one that if proved would confer substantial commercial advantage to the complainant or to his reputation, or
- b) brought to avoid incurring of costs by him in legal proceedings against the person complained of, and
- c) is not of the type that is in the interests of the Institute alone to incur costs prosecuting the complaint,

may direct that the complaint shall not be proceeded with unless the complainant first undertakes in writing to pay the costs of those future proceedings in part or in whole as the committee thinks fit.

- 7.8 At any time either before an inquiry has been directed or after, the Chairman in the interests of good order and administration may give directions as to how the hearing shall be conducted and upon all matters ancillary thereto, and he shall do this by submitting his proposals in the first place to the parties for their comments, and then after considering their comments in writing or if necessary in a preliminary hearing, he shall issue his directions in a final form.
- 7.9 If at any time after an Inquiry has been directed and before it has been held, information is received by the Secretary which might have justified the Disciplinary Committee in not directing an Inquiry in the first instance, then the Disciplinary Committee, upon such information being referred to them, may direct that the Inquiry shall not proceed further.

8. Inquiries Before the Disciplinary Committee

- 8.1 Where the Disciplinary Committee has directed an Inquiry to be held the Secretary shall give notice of that decision to the member affected and the complainant as soon as reasonably practicable. The notice to the complainant shall require the complainant to state whether or not he intends to present his case to the Disciplinary Committee. Where the complainant states that he does not intend to do so, the Secretary shall also instruct a person, who may be a solicitor, to investigate the facts of the case and to present (or brief counsel to present in appropriate cases) the case to the Disciplinary Committee at the Inquiry.
- 8.2 Where directions have been given for an Inquiry to be held, the Secretary shall, not less than 28 days before the day appointed for holding the Inquiry send to the person affected (and the complainant if he has decided to present his case to the Disciplinary Committee) a notice specifying generally the matters into which the Inquiry will be held and stating the day, hour and place appointed for holding the Inquiry: provided that where the person affected and the complainant, if presenting his case to the Disciplinary Committee, so agree the period of notice required by this Regulation may be reduced to such period as may be agreed.
- 8.3 The notice referred to in 8.2 above, shall be accompanied by a copy of these Regulations.
- 8.4 Any notice or communication required by these Regulations to be sent to any member shall be sent by registered letter or recorded delivery letter addressed to him at his registered place of address as recorded upon the CIM members' database. Any such communication to be sent to the complainant shall be sent to him by registered letter or recorded delivery to the address stated in his complaint.

- 8.5 Any notice sent to any member or any complainant in accordance with Regulation 8.2 may be amended with the consent of the Disciplinary Committee or of the Chairman and written notice of the amendment shall be sent to such person in the manner provided by the preceding Regulations, or otherwise brought to his notice by the Secretary before the Inquiry is held or in the course of the Inquiry: provided that the member or the complainant, as the case may be, shall have the right to demand an adjournment of the Inquiry if reasonable notice of any amendment materially affecting the particulars of the misconduct alleged in the Notice of Inquiry has not been given before the Inquiry commenced.
- 8.6 The Chairman may at any time postpone the opening of the Inquiry and direct the Secretary to give any necessary notices to the member concerned and the complainant if he has decided to present his case to the Disciplinary Committee.
- 8.7 The Inquiry shall normally be held in private unless, upon the application of either of the parties affected, the Disciplinary Committee determine that in the interest of justice or for some other compelling reason the hearing should be held in public.
- 8.8 The member affected and the complainant (if he as so decided) presenting the case to the Disciplinary Committee may be represented by a solicitor or counsel; provided that nothing in these Regulations shall prevent a member or complainant from representing himself and appearing without a solicitor or counsel before the Disciplinary Committee
- 8.9 If the person entrusted with the task of presenting the case against the member affected considers that the Disciplinary Committee's deliberations will be assisted by expert evidence from experts knowledgeable about the issues in question, then that person shall cause these experts' advice to be reduced to writing and served upon the member affected not less than 28 days from the date upon which the hearing before the Disciplinary Committee is to take place; and to arrange, if so requested by the member affected, for the attendance of those experts at the hearing before the Disciplinary Committee and for them to give evidence: provided that nothing in this Regulation shall prevent the member affected himself from calling expert evidence either in rebuttal or of his own accord provided that he notifies the person presenting the case against him in good time before the hearing and supplies him with a written statement of that expert's evidence.

9. Hearings of the Disciplinary Committee

- 9.1 If the member affected (or the complainant if he has decided to present his case to the Disciplinary Committee) does not appear and the Disciplinary Committee are satisfied that the Notice of the Inquiry was duly sent to him, they may proceed with the Inquiry in his absence or may adjourn the Inquiry.
- 9.2 Subject to the foregoing provisions with respect to non-appearance, the order of proceedings shall be as follows:
- 9.2.1 Statement of the case against the member affected and the production of evidence in support of it:
- 9.2.2 Statement of the case of the member affected and the production of evidence in support of his case:

9.2.3 Reply to the case of the member affected: provided that, except by leave of the Disciplinary Committee, a reply shall not be allowed where the member affected has produced no evidence other than his own, and no issue of law arises.

9.2.4 A closing statement of the case of the member affected.

9.3 Evidence may be received by the Disciplinary Committee by oral ~~statement~~, written, ~~or and~~ signed statement, or statutory declaration. A witness shall first be examined by the person producing him, then cross-examined and then re-examined. The Disciplinary Committee shall disregard oral evidence given by any person who refuses to submit to cross-examination. The Disciplinary Committee may, in their discretion, decline to admit the written statement or declaration of a person who is not present, and shall disregard it if, being present, he refuses to submit to cross-examination.

9.4 Members of the Disciplinary Committee may put through the Chairman, or on his invitation, such questions as they think desirable.

9.5 The Disciplinary Committee may at any stage of the proceedings adjourn the Inquiry to a subsequent meeting of the Disciplinary Committee and where the day, hour and place for such meeting are not appointed at the time of the adjournment, the Secretary shall, not less than 21 days before the day appointed, and in the manner specified in Regulation 8.2, give notice to the member affected and to the complainant, if any, of the day, hour and place appointed.

9.6 Subject to these Regulations the procedure at the hearing should be determined by the Disciplinary Committee.

9.7 On the conclusion of the hearing the Disciplinary Committee shall deliberate in private and shall decide:

9.7.1 whether the misconduct alleged in the complaint is proved;

9.7.2 if so, whether such misconduct is such as to render the member affected with regard to whom it is proved unfit to be on the register of members of the Institute;

9.7.3 if so, the Disciplinary Committee may direct that:

9.7.3.1 no further action is to be taken against the member: or

9.7.3.2 the member is to be reprimanded: or

9.7.3.3 the member's membership shall be continued but only subject to such conditions as the Disciplinary Committee think fit;

9.7.3.4 the member shall be suspended upon such conditions as the Disciplinary Committee think fit;

9.7.3.5 the member shall be expelled and his name removed from the register of members of the Institute; provided that the Disciplinary Committee may postpone its decision or any part of it, either generally or on such terms as it may approve.

9.8 The Disciplinary Committee shall notify the member and the complainant of their determination as soon as is reasonably practicable in writing.

10. Publication of Decisions

Decisions of the Disciplinary Committee may be published. The extent of the publication will be at the discretion of the Chairman of the Institute, in consultation with the Chairman of the Disciplinary Committee.

11. Applications for Relief from the Consequences of Previous Decisions of the Disciplinary Committee

- 11.1 Any member who by direction of the Disciplinary Committee has been expelled or suspended or had his membership continued only subject to conditions may apply in writing to the Secretary for the restoration of his name to the register or for the revocation of conditions imposed or for a variation of a condition imposed as the case may be.
 - 11.2 Any such application shall be made in writing to the Secretary stating the grounds on which it is made and signed by the applicant.
 - 11.3 No application for restoration of a name to the register shall be entertained by the Disciplinary Committee unless supported by at least two members currently upon the register of the Institute.
 - 11.4 The Disciplinary Committee shall afford the applicant if he wishes an opportunity of appearing before them in person or by a solicitor or counsel and of adducing evidence orally or in writing. The Disciplinary Committee shall consider the application in private unless it considers that in the interest of justice or for some other compelling reason the application should be considered in public.
 - 11.5 The procedure of the Disciplinary Committee in connection with the application shall be such as they may determine.
 - 11.6 The Committee may if they think fit adjourn consideration of the application from one meeting to another.
 - 11.7 The Secretary shall communicate to the applicant and to the objector, if any, the decision of the Committee and to the Secretary of the Institute.
- (NB: In accordance with Bye-law 1, in these General Regulations words importing the masculine gender only shall include the feminine gender).