

**PROCEDURES FOR THE HEARING OF
COMPLAINTS ABOUT ASSOCIATES AND FELLOWS
OF THE
INSTITUTE FOR INDEPENDENT BUSINESS INTERNATIONAL
FOR ALLEGED BREACHES OF PROFESSIONAL CONDUCT**

1. PURPOSE

The purpose of these Complaints and Disciplinary procedures (Procedures) is to provide a mechanism whereby alleged breaches of the IIB Code of Ethics or the IIB Code of Conduct together hereunder referred to as Codes made against Associates and Fellows of the Institute may be handled fairly, effectively and promptly. It is essential that the mechanism shall be clearly seen to be capable of prompt enforcement so the Procedures have been drafted in a legal format and will govern should any questions of interpretation be raised.

2. KEY ELEMENTS

2.1 Categories

Only two categories of complaints will be covered by the Procedures:

2.1.1 Those wherein an Associate or a client of an Associate is alleging an apparent breach of the Codes; and

2.1.2 Those wherein the IIB General Advisory Council or the IIB Executive Board has reasonable grounds to believe that an Associate has brought discredit upon the profession or the Institute and its Associates.

2.2 The Professional Conduct Liaison Officer (PCLO)

The PCLO is an officer of an IIB Regional Group, elected by Associates, as are all other Group officers (Chair, Secretary, Treasurer, etc.). Prior to the filing of a formal complaint both Parties (the Complainant and the Respondent) are required to make attempts at reconciliation under the guidance and encouragement of the PCLO. Only when such mediation has finally failed will the PCC Secretariat accept the filing of a formal Complaint.

2.3 The Professional Conduct Committee (PCC)

The PCC will consider the case and make recommendations to the IIB Executive Board. Such may advise that sanctions be levied against the Respondent, including a monetary fine which will be donated to a registered charity nominated by the Complainant, suspension of benefits or termination of Institute accreditation or a combination thereof.

2.4 The Secretariat

The PCC Secretariat processes and manages the Procedures. It comprises the PCC Chairman, the Administrator and any member/s of the PCC Reserve of Members selected by the Chairman from time to time to assist in Procedural matters as the occasion arises.

2.5 The Hearing – Documentation or In-Person

The PCC will “hear” the case by way of documents only, unless either Party chooses that the hearing be in-person, in which case the party or parties so choosing will bear the costs of administration and out of pocket travel and other expenses which are determined by the Secretariat to be needed to bring the members of the PCC together at a convenient location.

2.6 Publication of Censure

2.6.1 At the sole discretion of the IIB Executive Board the Findings and Recommendations of the PCC (in whole or in part) may only be published on the Ethics Bulletin Board via notification in the mass email facility.

2.6.2 No details or evidence submitted to the PCC may be disclosed either by the Parties concerned or by any representatives or advisers whom they may consult without express approval either of the Chairman of the PCC or of the IIB Executive Board.

2.7 Litigation

No prospective complaint, which is the subject of or connected with litigation or prosecution, will be accepted for action under these procedures, and any current complaint shall accordingly be suspended in those circumstances.

2.8 No Recovery of Debt

The Procedures are not available for the recovery of debt:

2.8.1 In a disputed debt one side maintains a specific stance against a contrasting one by the other so the matter will concern consultancy skills. The PCC is not qualified to make expert based decisions and thus cannot decide such issues;

2.8.2 Recovery of debt is not one of ethics and professional conduct but of contract;

2.8.3 Even supposing the PCC had the competence to decide quantum, the PCC has no means of enforcing the collection of a debt;

2.8.4 Furthermore, there exist the usual methods for contract dispute resolution – the courts and the mediation and arbitration bodies;

2.8.5 Finally, were the Parties to appeal to a further body after the PCC came to a decision in matters such as debt recovery and that body were to overturn the PCC decision, the PCC would be left open to possible claims for damages. At least the PCC decision would be seen to be frustrated and its reputation and authority be diminished.

3. THE PROFESSIONAL CONDUCT COMMITTEE

3.1 The PCC shall consist of:

3.1.1 The Chairman; and

3.1.2 Three PC Liaison Officers or other Associates – that is, no less than 3 of the Respondent's peers; and

3.1.3 One Observer from the IIB Executive Board who shall not be a member of the Committee and shall have no vote in the proceedings.

3.2 The Reserve of PCC Members:

3.2.1 Are the PC Liaison Officers of all IIB Regional Groups who are willing to serve voluntarily on the Professional Conduct Committee from time to time as needed and as available;

3.2.2 Are selected by the Secretariat for each case from the Reserve of PCC Members;

3.2.3 Must declare their disinterest in the matter in which they will deliberate or otherwise withdraw from the hearing of the matter.

4. STAGES OF PROCEDURE

- 4.1 Receipt of a complaint in writing shall be addressed to the Secretariat who shall acknowledge receipt and send a copy of these Procedures to the Complainant;
- 4.2 If the complaint has been sent directly to the PCLO in the Complainant's Regional Group the matter may be resolved without reference to the Secretariat. If the Secretariat shall receive the complaint directly from the Complainant it will be referred promptly to the respective PCLO who will attempt to achieve an amicable resolution;
- 4.3 If no settlement can be reached between the Parties the Complainant must file the formal Complaint form (as provided as a download from the IIB Associates' website) complete with all documentation upon which the Complainant will rely to prove the breach of the Codes. NOTE: Without a fully completed form with all available documentation the matter will not be accepted by the Secretariat and in turn will not be considered by the PCC;
- 4.4 In order to determine whether or not there is a prima facie case the Chairman of the PCC will not only consider the formal complaint form and supporting documentation, but may also obtain from the Standards Auditor an opinion as to compliance of the alleged breach with the Codes;
- 4.5 If there is found to be a case to answer, the Respondent will be formally notified by email by the Secretariat and the Respondent will be invited to respond by email within 7 (seven) working days of the date upon which the Secretariat notified the Respondent by email.
- 4.6 It is an express condition that the Respondent must respond to the Secretariat within these 7 (seven) working days. Should the Respondent fail to provide a defence within 7 (seven) working days the Secretariat will email a warning to the Respondent. If no response is received within a further 3 (three) working days it will be presumed by the Secretariat that the complaint is undefended.
- 4.7 In any event the Secretariat will select a Professional Conduct Committee from those PCLOs who are registered in the PCC Reserve of Members and a virtual meeting of the PCC shall be convened forthwith unless either Party chooses to bear the costs of convening the PCC at a convenient location.

5. REPORT OF FINDINGS AND RECOMMENDATIONS

- 5.1 On completing the review of the case (whether by documents or in-person) the PCC shall make its Finding and Recommendations in writing known to the IIB Executive Board as to whether the claim has been substantiated. If a case has been made out the Report will recommend what disciplinary sanctions the PCC considers should be levied against the Respondent;
- 5.2 The IIB Executive Board will then decide whether it accepts the Findings and Recommendations of the PCC either in part or in whole, and decide what actions, if any, shall be applied against the Respondent;
- 5.3 The Determination shall be made by majority vote at the meeting of the IIB Executive Board and in the event of an equal division of the votes the Chairman of the Board shall have a second casting vote. Should any member of

the Executive Board also be a member of the PCC he/she shall withdraw when the matter comes under consideration;

- 5.4 The Determination of the IIB Executive Board shall be sent from the Secretariat to the Respondent by email and registered post.
- 5.5 Subject to the Respondent's right of Appeal to the IIB General Advisory Council, as in 6. below, the Determination of the IIB Executive Board shall be final and binding.

6. APPEALS

- 6.1 Any appeal by an Associate against a disciplinary decision of the IIB Executive Board must be lodged in writing within 14 days of the date the Secretariat sent the Findings and Recommendation at the registered office of the Institute for Independent Business International Limited, Clarendon House, Bridle Path, Watford, Hertfordshire WD17 1UB, United Kingdom.
- 6.2 Should an appeal be so lodged the Secretariat shall appoint a Chairman and an Appeals Committee selected from the PCC Reserve of Members, always provided that no member of the Appeals Committee shall have had previous involvement or interest in the earlier PCC hearing of the case or in any decision that resulted therefrom.
- 6.3 The Appeals Committee shall include:
 - 6.3.1 The Chairman;
 - 6.3.2 Two PC Liaison Officers or other Associates – that is, no less than 2 of the Respondent's peers; and
 - 6.3.3 One Observer from the IIB Executive Board who shall not be a member of the Committee and shall have no vote in the proceedings.
 - 6.3.4 Such outside experts as the Advisory Board of Trustees shall deem fit.
- 6.4 The Appeals Committee shall consist of no less than three members and no more than five members excluding the Observer and any outside expert.
- 6.5 The Committee shall reach its decision by simple majority vote and in the event of an equal division of votes the Chairman of the Appeals Committee shall have a second and casting vote.
- 6.6 If the Party lodging the Appeal has chosen to bear the costs of an in-person hearing (see 2.5 above) he/she shall have the right to make oral submissions to the Appeals Committee and he/she has the right to be represented or accompanied by another Associate of his/her choice; but note 2.6.2 as to confidentiality.
- 6.7 The Appeals Committee may confirm or reject the Findings and Recommendations of the PCC and the Determination of the IIB Executive Board. In case of confirmation it may reduce or increase any sanction imposed by the IIB Executive Board. In case of non confirmation, the Executive Board will review its Determination accordingly.