Introduction

This policy covers allegations of unprofessional conduct arising in relation to a member of the Nuclear Institute or its Board of Trustees, possibly meriting expulsion from the Institution and deregistration with the Science or Engineering Council; how a charge of misconduct will be brought and heard; and the associated Appeals Procedure. Such allegations may arise from another member of the Nuclear Institute or, more probably, from another professional, employer or member of the public. There is a separate procedure for appealing against a decision made by the Membership Committee.

# Professional Code of Conduct

All Corporate Members of the Nuclear Institute and those registered (at any level) with the Engineering Council or Science Council must follow the separately published Code of Conduct (policy 2). A charge alleging a breach under a code may be heard by the Nuclear Institute and may lead to termination of both membership of the Institute and registration with the corresponding body or bodies.

# Bringing a Charge

A complaint, from any source, against a member, alleging breach of the Code of Conduct, will be considered in the first instance by the Chairman of the Membership Committee or, in case of indisposition, by another Board of Trustee member appointed by the President. If this consideration leads to the conclusion that a *prima facie* case is made, the Chairman (or Presidential nominated Trustee) will be responsible for bringing the charge formally before a specially convened three-person Discipline Committee of the Board of Trustees. The charge will be written and give details of the alleged offence capable of being proved; any written evidence will be attached; together with a list of witnesses who can be asked to give evidence on the matter. A copy of the charge, together with the supporting documents, will be sent by recorded delivery to the member so accused at the address held by the Institute in the UK (or without record if abroad). The Chairman of Membership Committee or other Presidential nominated Trustee will act as prosecutor at a specially convened hearing in front of the Discipline Committee.

# Discipline Committee

The Vice-President or, in case of indisposition, another senior Board of Trustee member appointed by the President, will act as the Chairman of the Discipline Committee. Two further members from the wider Board of Trustees will be nominated by the President. The Discipline Committee will hear the complaint within three months of the charge being issued. The Discipline Committee will convene to discuss its procedure, to hear the charge, to examine the evidence, to question witnesses and to conclude whether the charge is proven. While the Discipline Committee is hearing the charge, examining evidence and questioning witnesses, the accused member will be given the opportunity of being present, together with a friend or adviser; either the accused or the adviser may question witnesses and have the opportunity of bringing their own witnesses.

The Discipline Committee will complete its examination within a month of being first convened and report its findings to the Board of Trustees of the Nuclear Institute, together with any recommendation of sanctions to be applied to the member if the original charge is found proven.

# Costs

No charge as to costs of the proceedings of the Discipline Committee will be raised against the accused member, and no expenses will be refunded by the Nuclear Institute to any member, accuser or adviser.

# Sanctions

If the allegation is found proven, the Discipline Committee may recommend sanctions not exceeding termination of membership (in any class) or deregistration, or both, of the member. This may be coupled with a recommendation for a minimum period for such sanctions to apply.

# Promulgation

The Board of Trustees will hear the recommendation of the Discipline Committee and may vote either to accept the recommendation as it stands; to overturn the finding; or to impose a lesser sanction than that recommended. The Board of Trustee’s decision will then be made known to the member and take effect one month later, thus giving time for an appeal by the member or the accuser.

# Natural Justice

Rules of ‘natural justice’ will be followed, where appropriate. These include giving the accused member details of the charge and an opportunity to rebut it. No member of the Discipline Committee, nor the member bringing the charge, will have been personally involved in the case, but the fact that a member of the Discipline Committee personally knows the accused is not sufficient to disbar membership of the Discipline Committee. A contemporary written record of proceedings at the Discipline Committee will be made under the direction of the Chairman.

# Appeal

An appeal by the member or accuser may be made to the Nuclear Institute, to be lodged with the Chief Executive Officer within thirty days of the promulgation of the decision by the Board of Trustees. The appeal must include a written statement of grounds on which the finding or sanction may be varied. The written appeal must be accompanied by a payment of £150, which may be forfeit in the event of an unsuccessful appeal. The Board of Trustees may vary the sum to be deposited by resolution in ordinary meeting.

Any appeal will be heard by an Appeals Committee to be chaired by the Immediate Past or incoming President. This Committee will have a further three Fellows of the Nuclear Institute and one further member nominated by the Engineering Council and/or Science Council and/or other professional institution. No member of the Appeal Committee will have been a member of the preceding Discipline Committee. The Appeal Committee will normally be advised by a legally qualified adviser throughout its deliberations and will consider the written grounds for the appeal and give the accused member and accuser the opportunity to present further evidence, arguments and witnesses relevant to the grounds of appeal. It will make its findings known to the Board of Trustees within three months of the lodging of the appeal. The Appeal Committee may substitute any finding and any sanction up to and including deregistration and loss of membership that could have been imposed by the Discipline Committee.

The Board of Trustees will receive the finding and transmit this to the appellant within one month of receiving it. No further appeal will be considered under the procedures pertaining in the Institution. If the previous finding is overturned, the money deposited by the appellant will be returned. Otherwise, costs of the appeal, to include payments to the legal adviser and expenses of the members and costs of the secretariat, will be deducted, to be retained by the Nuclear Institute, and only the balance returned. Natural justice will be observed in the Appeal Committee.

Registrants at risk of losing their registration with the Engineering Council may also appeal to that body.

# Transmission to the EC, SC and to the Institutions

On determination of the matter, the findings that affect the registration of any member with the Engineering Council or Science Council will be transmitted to any other interested parties, and the written record of the proceedings may be disclosed to a properly authorised representative. A finding and any sanctions (together with the outline charge) may be published to members of the Institute by means of the journal Nuclear Future. In other respects, confidentiality will be observed by the Nuclear Institute.