

INTERNAL MEMBER DISCIPLINARY POLICY & PROCEDURE

Introduction

1. When a member commits an act of misconduct APSO reserves the right to take appropriate disciplinary action against that member. Such instances must be distinguished from ethics disputes (that are between two or more members or between a third party and a member, pertaining to unethical behaviour and a breach of the APSO Code of Ethics, policy and best practice) in that APSO prosecutes the member during an internal member disciplinary process.
2. APSO commits to apply the principles of corrective and progressive discipline when disciplining a member for misconduct.
3. The disciplinary process can be divided in two pillars; formal and informal disciplinary steps.
 - a. Informal disciplinary steps may include counselling the member, reprimanding the member, issuing the member with a warning.
 - b. Formal disciplinary steps may include summoning a member to appear in a formal disciplinary hearing.
4. Generally, it is not appropriate to terminate a member's membership for a first offence except if the misconduct is so serious that a continued relationship or association with the member would be intolerable.

Process

5. The Ethics and Compliance Manager will investigate the matter and conclude whether or not the matter has merit and determine the seriousness of the misconduct.
6. If the misconduct is less serious, the Ethics and Compliance Manager will impose an appropriate sanction after consultation with the member and the Ethics Committee.
7. If the misconduct is serious the Ethics and Compliance Manager will give notice to the member informing the member of the charges against them and calling upon the member to appear in a formal disciplinary hearing to answer to the allegations against them.
8. The Ethics and Compliance Manager will assemble a disciplinary committee, consisting of at least two members of the Ethics Committee and an independent third party, that will chair the disciplinary hearing and make a finding and recommendation.

Members' rights

9. Members will have the following rights at a formal disciplinary hearing:
 - a. The right to be advised and given advanced warning of the charges against them;
 - b. The right to be given at least 5 (five) working days to prepare their case;

- c. The right to a formal disciplinary hearing;
- d. The right to be present at the hearing;
- e. The right to present their case in answer to the charges against them;
- f. The right to ask questions and to cross-examine witnesses;
- g. The right to call witnesses to testify on their behalf;
- h. The right to be assisted or represented by a fellow member of their choosing, on condition that the fellow member, is in good standing, and is willing to do so;
- i. The right to have the hearing in a language that they can understand, or if this is not possible then to have an interpreter to assist them;
- j. The right to file an application for appeal against a finding and/or recommendation within 5 (five) working days of the outcome of the hearing.

Sanctions

- 10. The sanctions that APSO may impose include, but are not limited to:
 - a. Impose conditions relating to non-repetition of the offence within a stipulated period;
 - b. Issue a written warning;
 - c. Issue a reprimand;
 - d. Impose a fine;
 - e. Revoke a professional designation (in the case of an individual member);
 - f. Suspend membership for any period not exceeding 1 (one) year;
 - g. Terminate membership; and
 - h. Any combination of the above.

Appeal

- 11. A member may lodge an application to appeal against the outcome of a hearing within 5 (five) days thereof to the Ethics Committee on the following grounds:
 - a. Severity of the sanction imposed
 - b. Material error in the finding;
 - c. Relevant new evidence raised; and
 - d. Bias.
- 12. All appeals will be heard on paper, and may include relevant affidavits.
- 13. After receipt of the application for appeal the Ethics Committee will refer it to an appeals panel consisting of three Ethics Committee members, other than those members that heard the original case, who will deliver a ruling within 14 (fourteen) days of receipt of the application. If the appeal is based on a question of law, then the appeals panel may request the assistance of an independent third party.

Specific cases of misconduct

- 14. Member misconduct may include, but are not limited to the following instances and recommended sanctions:

MISCONDUCT	1 ST OFFENCE	2 ND OFFENCE	3 RD OFFENCE	4 TH OFFENCE
Breach of confidentiality	Final Written Warning	Termination		
Unauthorised use of APSO intellectual property	Final Written warning and a fine	Termination		
Any act of dishonesty	Termination			
Non-attendance of required event	Written Warning and/or a fine	Final written warning and/or a fine	Suspension	Termination
Disorderly behaviour	Final Written Warning	Suspension	Termination	
Bringing APSO into disrepute	Suspension	Termination		