

## **By-Laws Established Under Articles 30 and 112 of LEADR's Constitution**

- 1. For the investigation by an Investigating Committee (with power delegated under Article 29) of conduct of a Member of the kind or suspected to be of the kind referred to in Article 26;**
- 2. For the conduct of disciplinary proceedings by the Board arising out of any conduct determined by the Investigating Committee to be conduct of the kind referred to in Article 26;**
- 3. For appeals against disciplinary action taken by the Board.**

### **1. Investigation**

- (i) At the commencement of an investigation under Article 27 of LEADR's Constitution, notice shall be given to the Member whose conduct the Board has determined should be investigated, by the Investigating Committee formed in accordance with Article 79 to which the Board has delegated its investigative powers as provided in Article 29, specifying the nature of the matter to be investigated.
- (ii) The Member shall be afforded a reasonable opportunity to present in such manner as the Investigating Committee may determine such facts and submissions as the Member may wish to in relation to the matter being investigated.
- (iii) The Member shall be notified of all facts and contentions that the Investigating Committee considers material to its investigation as to whether or not the Member has acted in a manner prejudicial to the interests of LEADR.
- (iv) The Member shall be afforded a reasonable opportunity to place before the Investigating Committee in such manner as the Investigating Committee may determine facts and submissions relevant to the facts and contentions notified as provided in By-law 1(iii).
- (v) The rules of evidence shall not apply to investigation by an Investigating Committee.
- (vi) The Investigating Committee shall determine (by majority in the event of any dissent) whether or not the facts in regard to the matter under investigation constitute grounds for disciplinary action against the Member, and shall record its determination in writing with the reasons for the determination.
- (vii) A copy of the determination shall be provided to each of the Member and the Board.

## **2. Disciplinary Proceedings**

- (i) If the Investigation Committee has determined that the Member's conduct constitutes grounds for disciplinary action against the Member, the Board shall afford the Member fourteen (14) days after service of the Investigating Committee's determination within which to furnish the Board in such manner as the Board may determine, with facts and submissions relevant to whether the Board should take disciplinary action consequent upon the Investigating Committee's determination and, if so, what that disciplinary action should be or not be.
- (ii) After considering any facts and submissions furnished to it as provided in By-law 2(i), the Board shall determine (by majority in the event of any dissent) whether to take disciplinary action against the Member, and if so, what that disciplinary action should be, and shall record its determination in writing with reasons.
- (iii) A copy of the Board's determination shall be furnished to the Member, and the determination shall, from the date fourteen (14) days after the Member's receipt of the determination or the date upon which the Appeal Committee determines any appeal that may have been lodged within the fourteen (14) days, have full effect.
- (iv) The rules of evidence shall not apply to the consideration and determination by the Board of whether it should take disciplinary action against the Member, and if so, what that disciplinary action should be.

## **3. Appeals**

- (i) A Member against whom disciplinary action has been taken as provided in By-law 2(ii), may within fourteen (14) days of receiving a copy of the Board's determination under By-law 2(iii), lodge with the Secretary a written notice of appeal specifying the grounds for appeal against the Investigating Committee's determination under By-law 1(vi) or against the Board's determination under By-law 2(ii), or both, together with the submissions the Member wishes to have considered in support of the appeal.
- (ii) Upon receipt of a written notice of appeal and any submissions under By-law 3(i), the Secretary in consultation with the Chair shall convene an Appeal Committee of three Members of LEADR none of whom shall be a member of the Board.
- (ii) The Appeal Committee shall consider the Investigating Committee's determination and reasons, the Board's determination and reasons and the Member's grounds of appeal and submissions, together with any other material that it may call for.
- (iv) The Appeal Committee shall not be obliged to conduct a hearing or receive oral submissions nor shall the rules of evidence apply to its deliberations.
- (v) The Appeal Committee shall determine the appeal by allowing it in whole or in part, in which event it shall set aside the Board's determination in regard to disciplinary action and substitute its own determination as the determination of the Board; or dismiss the appeal in which event the disciplinary action taken by the Board shall be of full force and effect.
- (vi) The Appeal Committee shall record its determination in writing with reasons, and shall furnish the Secretary with a copy of the determination. The Secretary shall provide the

Member with a copy of the determination which shall constitute formal notification of the outcome of the appeal and of the disciplinary action taken by the Board, if any.

#### **4. General**

- (i) Costs of an investigation, disciplinary proceedings or appeal shall not be ordered or required to be paid by the Member, Investigating Committee, Board or Appeal Committee.
- (ii) The Board indemnifies Members of any Investigating Committee and Appeal Committee against any claim or liability that may arise out of the performance by them of their functions or action taken by the Member.
- (iii) Any notice required to be given under these By-laws is deemed to be properly given if sent by certified post to the last address advised by the Member to whom it is addressed.
- (iv) Upon the determination of an appeal, or the expiry of the time within which notice of appeal must be given by the Member, the Board may publish in such manner as it deems fit, the terms of disciplinary action taken against the Member.
- (v) Pending the final determination of any investigation or disciplinary proceedings, confidentiality will be maintained in regard to the investigation, the disciplinary proceedings and the appeal, if any.