

Complaints and Disciplinary Processes

1. Making a Complaint

All complaints must be submitted to the Honorary Secretary by email, honsec@ictsa.ie, on the ICTSA Complaints form which is available on the website (ictsa.ie/resources), together with a fee of €100. This fee will be refunded if the Complaints & Disciplinary Offices (the “CDO”) determines there are grounds for investigation, however, if there are insufficient grounds for investigation the fee will be retained by ICTSA.

All complaints must be received by the Honorary Secretary within 6 months of the alleged offence occurring.

The Honorary Secretary will forward the complaint to the current CDO. The complaint form must clearly contain (i) the nature of the Complaint and (ii) the date of the incident (iii) the rule allegedly breached. Incomplete forms will be returned once for completion.

2. Receiving a Complaint and Investigation

A Complaints and Disciplinary Officer (“the CDO”) should receive and investigate the complaint and determine if there are sufficient grounds for a potential disciplinary process.

3. Processing the Complaint / Disciplinary matter

If the CDO deems there are sufficient grounds for a valid complaint/disciplinary action, the CDO should;

- a) Consider if the dispute can be resolved on an informal basis – and if so should approach both parties to attempt to resolve the dispute on an informal basis within a 14-day period.
- b) If the dispute cannot be resolved on an informal basis, the CDO should direct the Executive Committee to establish a 3 person Disciplinary Tribunal (or hearings) committee.

The tribunal should be comprised of three (3) independent members, who are in no way involved or connected to the allegation.

Where the CDO deems there to be insufficient grounds for a valid complaint/disciplinary action, the CDO will provide a report of that decision to the Executive Committee. The CDO’s report (redacted) will then be available to any named party in the investigation, upon written request to the Honorary Secretary.

The Tribunal

- a) On appointment, the Tribunal shall appoint a chairperson;
- b) Any person selected to sit on the Tribunal who has any actual, perceived or potential conflict of interest in the outcome of the hearing shall stand aside from hearing the Complaint/disciplinary matter. An alternative person shall be appointed.
- c) The Tribunal shall act on a simple majority vote (+ 51%) in arriving at a decision. No minority or dissenting decisions shall be produced. In the event of a majority decision, this shall be the decision of the Tribunal.

d) The Tribunal shall have jurisdiction to impose any sanction as set out in Article 8 of the Constitution.

4. Notification and Correspondence

Upon review of the Complaint documentation (and discussion with the CDO), the Tribunal must notify both parties (the Complainant and Respondent) that a complaint regarding the allegations has been lodged and that it is being processed under the ICTSA Disciplinary Procedure (Article 8 of the Constitution).

The Chairperson of the Tribunal should write to the relevant parties advising them of:

a) The relevant rule and offence alleged

b) Composition of the Tribunal

c) Declaration that the Tribunal has no interest in the outcome

d) Confirmation of documents to hand

e) Invitation for any further documents / submissions in writing (assuming the Complainant has submitted documents/evidence, the respondent should be given 7 days, to deliver his/her response and submit any documents/evidence in support of his/her response)

f) Time, date and venue for hearing

g) The parties should be informed that they are entitled to present evidence, through witnesses and/or documents at the hearing. "Please notify the Tribunal by email to honsec@ictsa.ie of any witnesses they intend to call and of all documentation they intend to rely on in advance of the hearing".

h) No legal representation is allowed at this hearing. If the matter is appealed, the appeal panel can decide if legal representation is allowed at that hearing.

i) If you have any further queries, please contact honsec@ictsa.ie by email.