

PROCEDURE FOR INVESTIGATING ALLEGED BREACHES OF THE CODE OF PROFESSIONAL CONDUCT

This Procedure explains how ITI will handle a notification of an alleged breach of the Code of Professional Conduct.

Definitions

Code	ITI's Code of Professional Conduct
PCC	ITI's Professional Conduct Committee
Administrator	ITI's Governance Officer (or their substitute where the Governance Officer is unavailable or subject to a conflict of interest)
Notifier	The person making the notification
Respondent	The member the notification is made against
Hearing Panel	The three members of the hearing panel
Appeal Panel	The three members of the appeal panel

Please note that all time periods given are subject to the availability of ITI staff or PCC members in question and may be extended in the event of unavailability, complications or force majeure.

All references to deadlines are for guidance only and are not binding.

Stage 1: Receipt of a notification

1.1 The Administrator, having satisfied the *Procedure for Notifying ITI of an Alleged Breach of the Code of Professional Conduct*, will inform the Notifier, the Respondent, and the PCC Chair of the substance of the notification 14 days after receipt and the procedure that will be followed. The Administrator will inform the Chief Executive that a notification has been received but not of the substance or parties to the complaint.

1.2 All parties aware of the notification must maintain confidentiality with regard to all information that the notification concerns at all times, including towards ITI Board members and ITI staff, until either: i) the notification is dismissed, ii) the Hearing Panel has issued its decision and the deadline to appeal has elapsed, or iii) if an appeal has been made within the deadline, the Appeal Panel has issued its decision and the Board has issued its decision on the sanctions to apply, if any.

Stage 2: Evidence gathering and panel composition

2.1 The PCC Chair will appoint a Hearing Panel comprising three PCC members to preside over the hearing, one such member being appointed from among themselves as the Hearing Panel Chair. The PCC Chair must not sit on this Hearing Panel. No person may be appointed to the Hearing Panel when there is any conflict of interest, known or demonstrable bias or any other factor such that it would be likely to prejudice fair consideration of the allegation(s). Discretion lies with the PCC Chair when appointing the Hearing Panel to decide whether such a conflict exists. This will be done ideally within one week of the Notifier, the Respondent, and the PCC Chair being informed of the notification per section 1.1.

2.2 The Administrator will contact the Notifier and the Respondent by email to inform them that a hearing will take place online, subject to 28 days' notice. In the notice of hearing, the Administrator will include:

- the date and time of the hearing and the procedure to be followed at the hearing;
- the opportunity to request a postponement of the hearing in writing, provided this is justified and requested within 14 days of the date of the email;
- a statement that the hearing will proceed (subject to any postponement granted by the Administrator) regardless of whether or not the Respondent chooses to attend, but that Respondent may submit written representations to the Administrator no fewer than 4 days before the hearing, to be considered in their absence if they so wish;
- a request for a list of the documents on which the Notifier and the Respondent will rely when presenting their case, together with copies of such documents and copies of any witness statements, to be submitted to the Administrator no fewer than 4 days before the hearing;
- the right to be accompanied by another individual, who may be a member of ITI or not and ideally but not necessarily a current or former translation/interpreting practitioner; said individual may act in the hearing to the extent permitted by the party whom they are accompanying.
- the possible outcomes of the hearing.

2.3 The Notifier and the Respondent must inform the Administrator, within 14 days of the date of the notice, of whether they intend to appear at the hearing or not and, if so, whether they will be accompanied by one other individual.

2.4 The Administrator will submit all evidence gathered to the Notifier, the Respondent and the Hearing Panel no later than 3 days before the hearing. Such evidence will comprise:

- the original notification received, plus any subsequent information submitted by the Notifier at the Administrator's request;
- any information and documents received from the Notifier, the Respondent, any parties mentioned in the notification and any other parties the Administrator deems relevant.

Stage 3: Hearing

3.1 At the hearing, the Notifier will be given the opportunity to explain and support their allegations, with reference to the documentary evidence submitted beforehand. The Respondent will then be asked to respond to the allegations, substantiating their case with reference to the documentary evidence submitted beforehand. At the end of these submissions, the Hearing Panel may pose questions to the Notifier and the Respondent, who are required to answer.

3.2 On conclusion of the hearing, the Notifier and Respondent will be excused from the hearing and the Hearing Panel will then deliberate in private.

3.3 The Hearing Panel Chair will inform the PCC Chair of its decision in writing within 7 days of the hearing. The PCC Chair will notify the Administrator, who will in turn inform the Notifier and Respondent immediately. The decision will be either:

- all or some of the alleged breaches have been committed; or
- none of the alleged breaches have been committed.

If the Hearing Panel concludes that none of the alleged breaches of the Code have occurred, the Administrator will inform the Respondent and the Notifier that no further action will be taken.

Stage 4: Sanction

4.1 If the Hearing Panel concludes that all or some of the alleged breaches of the Code have occurred, it will then consider the appropriate sanction(s) to recommend to the Board. In considering the appropriate sanction(s), the Hearing Panel will take into account:

- the severity of the breach(es);
- whether the Respondent admitted to the allegations and/or has shown any remorse;
- any mitigating circumstances;
- the need to provide a deterrent to other members from committing similar breaches;
- any other previously established breaches of the Code by the Respondent.

4.2 The Hearing Panel may recommend to the Board one or more of the following sanctions:

- a written warning of a sanction in the event of a future breach and an undertaking from the Respondent as to future conduct
- temporary suspension of membership for the remainder of the membership year, plus any further whole membership years
- indefinite termination of membership in accordance with the Articles of Association and Bylaws.

As soon as the Administrator has received the Hearing Panel's decision from the PCC Chair, the Administrator will write to the Chair of the Board to inform the Board of the Hearing Panel's findings and the recommended sanction(s). The Board will be asked to ratify the recommended sanction(s) within 14 days.

4.3 As soon as the Administrator has received the Board's decision, the Administrator will write to the Notifier, Respondent and PCC Chair to inform them of the following:

- the sanction(s) imposed by the Board
- the reason for the decision and for the severity of the sanction(s)
- the right to appeal either the decision or the sanction(s) or both, by emailing the Administrator within 21 days of the date of the email.

Stage 5: Appeal

5.1 A request for appeal may be made by either the Notifier or the Respondent on the following grounds:

- a shortcoming in conducting the procedure or reaching a decision
- the sanction imposed is alleged to be disproportionate to the breach
- bias or a conflict of interest on the part of the Administrator or a Hearing Panel member.

The appeal may be requested by sending an email to Administrator within 28 days of the decision being issued. If the request for appeal does not meet at least one of the grounds above, it will be dismissed.

5.2 Upon receipt of a valid request for appeal, the Administrator, acting under the Board's authority, will appoint an Appeal Panel within 7 days, comprising three Qualified Members of ITI of good standing, one such member being appointed from among themselves as Appeal

Chair to preside over the appeal hearing. No Board member or PCC member can form part of the Appeal Panel. No person may be appointed to the Appeals Panel when there is any conflict of interest, known or demonstrable bias or any other factor such that it would be likely to prejudice fair consideration of the allegation(s). Discretion lies with the Administrator when appointing the Hearing Panel to decide whether such a conflict exists.

5.3 The Administrator will inform the parties that an Appeal Panel has been established and of the date of the appeal hearing, giving at least 28 days' notice of the meeting.

5.4 The Appeal Panel will review all documentation provided to the Hearing Panel and its considerations during and after the hearing. It may make further enquiries as appropriate, but will only take into account facts and conditions known to the Hearing Panel at the time of its decision.

5.5 The Notifier and the Respondent have the right to attend the appeal hearing in person and be accompanied by another person. If either party is unable to attend the meeting, they may:

- request a postponement in writing, with full reasoning for the request;
- make written submissions.

At the appeal hearing, the person making the appeal will be given the opportunity to explain and support their allegations, providing evidence to substantiate one or more of the grounds stated in 5.1. The person responding to the appeal will then be asked to respond to the allegations, providing evidence to counter the allegations. At the end of these submissions, the Appeal Panel may pose questions to both parties, who are required to answer.

5.6 On conclusion of the appeal hearing, the parties will be excused from the appeal hearing and the Appeal Panel will deliberate in private.

5.7 The Appeal Panel may decide to:

- a. uphold the original decision and sanction(s);
- b. uphold the original decision but modify the sanction(s);
- c. overturn the original decision completely.

The Appeal Panel's decision is final, except in the case that the Appeal Panel recommends termination of membership, which is subject to a resolution of the Board passed by a majority of 75% of Board members entitled to vote on the matter. If the Board opts not to pass such a resolution, it may agree to impose a lesser sanction than recommended by the Appeal Panel.

5.8 Subject to any Board approval required per 5.7, the Appeal Panel Chair will inform the Administrator of its decision, together with the reasons for its decision, in writing within 7 days of the appeal hearing. The Administrator will, in turn, inform the Notifier, the Respondent and the PCC Chair of this immediately.

5.9 The Appeal Panel's decision is final; there is no further right of appeal.