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## 1. ORGANISATION OF THE CODE

The Code of Ethics consists of three Parts.

- The first is a set of five fundamental ethical values. These values are intended to inform Members of the high ideals of professional life.
- Part II sets out the minimum standards of behaviour against which the behaviour of Members will be judged in terms of deciding if they have reasonably complied with the obligation on them to behave ethically. In effect Part II states the Institute's view on what constitutes reasonable adherence to the values enunciated in Part I.
- Part III provides guidelines. These guidelines are not exhaustive - they are offered as a guide to the understanding and intentions of the code.

## 2. Part I - ETHICAL VALUES

Rigorous demands are placed on all production, distributing and marketing of foods because of the need for nutrition in society and the capacity of food to help and harm people. Therefore members of NZIFST, as members of the FS&T professional community face demanding ethical obligations of honesty, integrity and protection to people, to society and to the environment.

Within their activities in FS&T, members shall endeavour to ensure:

- 2.1 Public health, safety and wellbeing**, through responsible production of foods;
- 2.2 Respect for consumers' rights**, through providing sufficient and accurate information, and ensuring that publicity does not mislead, includes clear disclosure of risks and accurate information on claimed benefits;
- 2.3 Professionalism of conduct**, through acting with honesty, objectivity and integrity and undertaking activities within their levels of competence;
- 2.4 Sustainability**, through maximising positive benefits and minimising detriments to society and the environment in food production;
- 2.5 Advancement of FS&T knowledge**, through contributing to the development of their own and the FS&T professional community's knowledge, skill and expertise to enhance the public health of consumers, and for the wider benefit of society.

## 3. PART II – MINIMUM STANDARDS OF ACCEPTABLE ETHICAL BEHAVIOUR BY MEMBERS

The minimum standards by which the behaviour of members of NZIFST will be judged are set out below. These minimum standards are not set out in definite terms. In any professional activity the member will be required to exercise judgement. The ultimate test is what would a reasonable member of the FS&T professional community have done in the same circumstances.

### 3.1 GENERAL OBLIGATIONS TO SOCIETY

#### 3.1.1 Take reasonable steps to safeguard health and safety

A member must, in the course of his or her activities in FS&T, take reasonable steps to safeguard the health and safety of people.

#### 3.1.2 Take reasonable steps to inform consumers

A member must in the course of his or her activities in FS&T take reasonable steps to ensure that sufficient and meaningful information is provided to respect the right of consumers to be informed about the food they eat.

### **3.1.3 Have regard to effects on environment and need for sustainability**

- (1) A member must, in the course of his or her activities in FS&T,—
  - (a) have regard to reasonably foreseeable effects on the environment from those activities; and
  - (b) have regard to the need for sustainable management of the environment and the food production system.
- (2) In this context, **sustainable management** means management that meets the needs of the present without compromising the ability of future generations (including at least the future generations within the anticipated lifetime of the end products and by-products of activities) to meet their own reasonably foreseeable needs.

### **3.1.4 Act with honesty, objectivity, and integrity**

A member must act honestly and with objectivity and integrity in the course of his or her activities in FS&T.

### **3.1.5 Share FS&T knowledge for the benefit of society**

A member must have regard to the need for the sharing of public domain knowledge in FS&T with others within the FS&T professional community so that the knowledge may be used for the benefit of society.

### **3.1.6 Have regard to the impact of FS&T activities on society**

A member must have regard to the impact of his or her activities in FS&T on society, and the need to identify, inform and consult parties affected, or likely to be affected, by his or her activities in FS&T.

## **3.2 GENERAL PROFESSIONAL OBLIGATIONS**

### **3.2.1 Not misrepresent competence**

A member must—

- (a) not misrepresent his or her competence; and
- (b) undertake activities in FS&T only within his or her competence; and
- (c) not knowingly permit other members of the FS&T professional community whose work the member is responsible for to breach paragraph (a) or paragraph (b).

### **3.2.2. Not misrepresent membership status**

A member must not (in connection with a business, trade, employment, calling, or profession) make a false or misleading representation, or knowingly permit another to make a false or misleading representation, that services are supplied by a member of the Institute.

### **3.2.3 Inform others of consequences of not following advice**

- (1) A member who considers that there is a risk of significant consequences in not accepting his or her professional advice must take reasonable steps to inform persons who do not accept that advice of those significant consequences.
- (2) In this context, **significant consequences** means consequences that involve—
  - (a) significant adverse effects on the health or safety of people; or
  - (b) significant economic loss; or
  - (c) significant damage to the environment.

### **3.2.4 Not promise, give, or accept inducements**

A member must not—

- (a) promise or give to any person anything of substantial value intended to improperly influence that person's decisions that relate to the member's activities in FS&T; or
- (b) accept from any person anything of substantial value intended to improperly influence his or her decisions on FS&T matters.

### **3.3 OBLIGATIONS TO EMPLOYERS AND CLIENTS**

#### **3.3.1 Not disclose confidential information**

- (1) A member must not disclose confidential information of an employer or client without the agreement of the employer or client.
- (2) Subclause (1) does not apply if—
  - a) the failure to disclose information would place the health or safety of people at significant and immediate risk; or
  - b) the member is required by law to disclose that information.

#### **3.3.2 Not misuse confidential information for personal benefit**

A member who obtains another person's confidential information in connection with one purpose in the course of his or her activities in FS&T must not use that information for another purpose that is to the member's own personal benefit.

#### **3.3.3 Disclose conflicts of interest**

A member must disclose to an employer or client any financial or other interest that is likely to affect his or her judgement on any activities in FS&T he or she is to carry out for that employer or client.

### **3.4 OBLIGATIONS OWED TO OTHER MEMBERS OF THE FS&T PROFESSIONAL COMMUNITY**

#### **3.4.1 Not review work without taking reasonable steps to inform and investigate**

- (1) A member who reviews the work of another person within the FS&T professional community for the purpose of commenting on that work must take reasonable steps to—
  - (a) inform that person of the proposed review before starting it; and
  - (b) investigate the matters concerned before commenting.
- (2) Subclause (1) does not apply if taking those steps would result in there being a significant and immediate risk of harm to the health or safety of people, economic loss, or damage to the environment.

#### **3.4.2 Take into account the reputation of the FS&T professional community and the Institute**

- (1) A member must take into account any reasonable foreseeable impact on the reputation of the FS&T professional community and the Institute when making public statements or comments on FS&T matters
- (2) Subclause (1) does not prevent a member making criticisms of the FS&T professional community or the Institute provided such criticisms are supported by a logical argument and careful analysis.

## **4.0 PART III – GUIDELINES**

### **4.1 PUBLIC HEALTH, SAFETY AND WELL-BEING**

*Within their activities in FS&T, members shall endeavour to ensure public health, safety and wellbeing, through responsible production of foods;*

In seeking to adhere to this clause, members personally, and to the extent they can influence other people or organisations to do likewise, should endeavour to:

1. Prevent an action, or lack of action, that might reasonably be expected to result in the consumption of food products that are harmful to public health and safety;
2. Ensure that foods they develop or/and produce and market are of the nutritional value reasonably expected by the consumer;
3. Minimise unnecessary destruction of the nutritional value during processing and distribution is minimised;

4. Ensure that foods are not dangerous to human health and safety because of the presence of foreign materials, toxins, microbial contamination, agricultural chemicals or antibiotics at levels above acceptable limits;
5. Ensure that foods are formulated and designed so that the consumers of the foods are reasonably enabled to consume them in the quantities needed for their long term health;
6. Minimise potential dangers involved in the manufacture, distribution, consumption or other use of products or other outcomes of their activities in FS&T;
7. Ensure that the movement of foods is traceable and visible to consumers throughout the food chain.

*The following are examples of actions considered unethical in this context:*

8. Knowingly allowing food to be sold that is not safe when eaten by the intended consumers, because of contamination or carry-over, (e.g. ready-to-eat foods containing unacceptable concentrations of pathogens, carry-over of antibiotics from animal husbandry, carry-over of unacceptable levels of pesticides);
9. Knowingly allowing food to be sold that may be injurious to the health of consumers because of the presence of foreign material, (e.g. glass contamination of a batch of product);
10. Knowingly allowing food that is dangerous to defined consumers to be sold without appropriate warning, advisory or ingredient statements, (e.g. foods sweetened with aspartame not being so labeled).
11. Ignoring new published information that brings into doubt existing practices.

## **4.2 RESPECT FOR CONSUMER RIGHTS**

*Within their activities in FS&T, members shall endeavour to ensure respect for consumers' rights, through always providing sufficient and accurate information, and ensuring that publicity does not mislead, includes clear disclosure of risks and accurate information on claimed benefits.*

In seeking to adhere to this clause, members personally, and to the extent they can influence other people or organisations to do likewise, should endeavour to:

1. Ensure that all products, services or information they provide are lawful, accurate and meaningfully presented;
2. Ensure that all information on labels is transparent, accurate and truthful;
3. Ensure that the size and shape of packaging is not used to infer exaggerated weight or volume;
4. Ensure that all reasonably foreseeable risks of the product to human health and safety are clearly identified, including danger to specific consumers because of any ingredients to which those consumers are allergic or sensitive;
5. Ensure that any health claims on the product, including the apparent benefits of addition of functional and nutraceutical additives, can be substantiated to give the effects claimed; or in advertising or publicity are verifiable, and no fraudulent or deceptive values for nutritional claims are used;
6. Prevent advertising and publicity being used to expand the sales of particular products to a level at which the consequential rates of consumption by consumers may impact negatively on the public health of some or all of those consumers.

*The following are examples of actions considered unethical in this context:*

7. Selling ingredients that are known to be illegal;
8. Selling a food as if it meets a particular standard, knowing it does not meet that standard;
9. Advertising and promoting foods using fraudulent or deceptive data for nutritive values, health effects or other properties;
10. Signing a quality certificate which includes false information or omits significant facts and data.
11. Not obtaining informed consent from consumers prior to conducting consumer trials.

### 4.3 PROFESSIONALISM OF CONDUCT

*Within their activities in FS&T, members shall endeavour to ensure professionalism of conduct, through acting with honesty, objectivity and integrity and undertaking activities within their levels of competence.*

In seeking to adhere to this clause, members personally, and to the extent they can influence other people or organisations to do likewise, should endeavour to:

1. Exercise their initiative, skill and judgement to the best of their ability for the benefit of their employer or client;
2. Give decisions, recommendations or opinions that are honest, objective and factual, and if these are ignored or rejected ensure that those affected are made aware of the possible consequences;
3. Inform those they are advising of any risks or uncertainties that might affect the level of confidence that can be placed on any recommendations made;
4. Accept personal responsibility for work done by themselves or under their supervision or direction and take reasonable steps to ensure that anyone working under their authority is both competent to carry out the assigned tasks and accepts a like personal responsibility;
5. Ensure that they do not misrepresent their areas or levels of experience or competence and do not claim skills or knowledge they do not have;
6. Avoid disclosing confidential information relating to their work or knowledge of their employer or client without the agreement of those party's work unless it could affect the safety and health of consumers;
7. Disclose any financial or other interest that may, or may be seen to, impair their professional judgement;
8. Ensure that they do not promise to, give to, or accept from any third party anything of substantial value by way of inducement;
9. First inform another member before reviewing their work and refrain from criticising the work of other professionals without due cause;
10. Uphold the reputation of the Institute and its members, and support other members as they seek to comply with the Code of Ethics;
11. When appointed to external committees in the role of professional food scientist or technologist, ensure that their opinions and judgements are given on that basis;
12. Recognise in all their activities in FS&T the obligation to anticipate possible conflicts and endeavour to resolve them responsibly, and where necessary utilise the experience of the Institution and colleagues for guidance;
13. Treat people with dignity and have consideration for the values and cultural sensitivities of all groups within the community affected by their work.

*The following are examples of actions considered unethical in this context:*

14. Associating with, or allowing one's name to be used, in connection with any product, process or marketing which does not comply with legal requirements;
15. Misrepresentation of products, services or information;
16. Providing a professional opinion or consultancy without sufficient training or information in the area concerned;
17. When an industry representative on an advisory committee, promoting a technical course of action that is biased towards one's employer or sector, to the detriment of the industry, the consumer, or the community as a whole;
18. Malicious criticism of the work of other members;
19. Denigrating a competitor, product or process without due cause;
20. Not disclosing conflicts of interest to one's employer, client or principal;
21. The acceptance of inducements;
22. Turning a blind eye to sub-standard work by another Institute member and not complaining to the Institute about that person's behavior;
23. Passing on of confidential information gained from a previous employer or client.
24. Plagiarism, failure to recognize the contribution of others, failure to protect data.

#### **4.4 SUSTAINABILITY**

*Within their activities in FS&T, members shall endeavour to ensure sustainability, through maximising positive benefits and minimising detriments to society and the environment in food production.*

In seeking to adhere to this clause, members personally, and to the extent they can influence other people or organisations to do likewise, should endeavour to:

1. Ensure the efficient use of resources;
2. Ensure that raw materials used in producing and processing foods are conserved, achieving the highest yields possible with present technology and seeking new methods to minimise losses;
3. Ensure that storage of foods during distribution is organised to minimise losses;
4. Ensure that energy is used with maximum efficiency to produce, process and distribute foods;
5. Minimise the generation of waste and encourage environmentally sound reuse, recycling and disposal;
6. Recognise any reasonably foreseeable adverse impacts of their activities in FS&T on the environment and seek to avoid or mitigate them;
7. Recognise the long-term imperative of improving sustainable management of the food production systems throughout their activities in FS&T. (Sustainable management is often defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs).

*The following are examples of actions considered unethical in this context:*

8. Selection of processes and products that are unduly damaging to the environment;
9. Allowing reasonably preventable discharge of materials to the environment, knowing they will be damaging in either the short or long term
10. Production of a food product at rates which deplete or put at risk a naturally occurring supply source.

#### **4.5 ADVANCEMENT OF FS&T KNOWLEDGE**

*Within their activities in FS&T, members shall endeavour to ensure advancement of FS&T knowledge, through contributing to the development of their own and the FS&T professional community's knowledge, skill and expertise to enhance the public health of consumers, and for the wider benefit of society.*

In seeking to adhere to this clause, members personally, and to the extent they can influence other people or organisations to do likewise, should endeavour to:

1. Seek and encourage excellence in their own and others' practice in FS&T;
2. Contribute to the collective wisdom of the professional community in FS&T;
3. Undertake ongoing professional development to improve and update their understanding of FS&T and encourage the exchange of knowledge with their professional colleagues - wherever possible share information about your experiences and in particular about successes and failures;
4. Apply their skill, judgement and initiative to contribute positively to the well-being of society;
5. Be fully informed about relevant public policies, community needs, and perceptions, which affect their work;
6. As a citizen, use their knowledge and experience in FS&T to contribute helpfully to public debate and to community affairs except where constrained by contractual or employment obligations.
7. Assist others advance their knowledge of FS&T.
8. Foster careers in FS&T to ensure sufficient future availability of FS&T professionals to maintain technical proficiency in the food industry.

### **5. SUPPORT OF MEMBERS**

*NOTE: The following is the basis for an operating procedure for NZIFST. The principles and procedure have not yet been checked by a lawyer to ensure that the Institute is not attracting liability and is observing natural justice in operating the procedures.*

## **5.1 NEED FOR SUPPORT**

It is recognised that some critical ethical dilemmas involve balance between extremes, leading to judgments which may alter with time and context. Members must balance all available information and make their own judgments in an ethical way.

It is also recognized that there will be circumstances when a member may consider that he or she is insufficiently skilled or able to make the necessary judgments so as to meet their professional obligations. There are also circumstances in which the member may feel unable to stand firm to what they consider their professional duty against pressures from others, including their employer or client.

In the event that a member is requested to act outside the professional obligations on members he or she should refuse, stating reasons. It is recognized that this in itself, and the situation in which the intended action proceeds regardless of this refusal, pose ethical dilemmas with substantial pressure on the member.

In circumstances such as those set out above, the Institute provides support mechanisms.

## **5.2 ROLE OF EXECUTIVE MANAGER**

The Executive Manager is the day to day contact person for members. The Institute has ensured that the Executive Manager has received training to enable him/her to act as the frontline support person. Members may contact the Executive Manager during normal business hours for some or all of the following:

- advice on correct interpretation of the code of ethics or the professional obligations on members;
- assistance to identify a subject expert who can assist decide matters of competence and care;
- advice on how to tackle an ethical or professional dilemma with the member's employer or client;
- to receive the support of the Institute in explaining the obligations on the member to the employer or client, and why the member feels unable to take the instruction of that employer or client.

The Institute provides this service as a member benefit, but in doing so requires that members accept that neither the Institute nor the Executive Manager will not be held liable in any way for the consequences of providing support or advice. The Executive Manager may require a waiver in writing to this effect.

There may be circumstances in which the Executive Manager considers that the needs of the member can best be managed through referral to an Advocate (see below). In these cases, the Executive Manager will seek to identify an Advocate living close to the member, and that the proposed Advocate has no potential conflict of interest in the matter.

If a complaint about a member is received, the Executive Manager must assume the role of managing the complaints process, and in such circumstances must act with absolute neutrality. The Executive Manager cannot in these circumstances act as an adviser to the member complained about (the respondent). In those circumstances the Executive Manager will inform the respondent that an Advocate can be nominated to provide advice.

## **5.3. ADVOCATES**

The Institute maintains a group of Advocates with the following roles:

- to be available to individual members so that they can, in confidence, seek advice on personal ethical dilemmas and issues;
- to assist individual members in resolving ethical matters, e.g. in preparing communications to their employer, if so requested by the member and agreed by the Advocate;
- to assist members to understand their professional obligations, and how to comply with these obligations.



Advocates are selected for their knowledge in FS&T, their experience in dealing with professional issues, and their status and standing in the Institute. To minimize the potential for conflicts of interest Advocates will often be recently retired, an academic or researcher, or no longer employed in the food industry.

All matters referred to the Advocates will be handled in strict confidence by the consulting Advocate, unless either:

- both the member seeking advice and the Advocate agree otherwise, or
- public health and safety would be jeopardised by non-disclosure in which case the member and Advocate should agree a course of action.

Advocates shall only agree to work with a member if they can maintain independence in the matter raised. The member seeking the advice of an Advocate must accept that the advice is given for no fee, and that the Advocate and the Institute can in no way be held responsible for any outcomes that might result from the advocate/member relationship. Before an Advocate begins working with a member they are entitled to request a waiver in writing to this effect.

#### **5.4 COSTS OF PROVIDING ADVICE AND SUPPORT**

Members using the advice provided under section 3 should note that they can expect that a small amount of Executive Manager time, and the time of the Advocate are provided without charge. The member is responsible for any identifiable direct costs incurred by the Executive Manager or Advocate such as travel out of local region, although the Institute would not normally seek to recover costs incurred by the Executive Manager acting in this role unless those costs exceeded the equivalent of two years annual subscription at the rate at which the member pays.

## **6. COMPLAINTS**

*NOTE: Operating Procedures for complaints are yet to be fully established.*

### **6.1 RECEIPT OF COMPLAINTS**

All complaints about a member must be sent to the Executive Manager. To be valid, the complaint must be in writing and state the name and contact details of the complainant. It must also set out the basis of the complaint, and include all relevant documents. Four potential bases for complaints exist, these corresponding to breach of one or more of the professional obligations:

- the ethical obligation - conduct infringing the code of ethics; and/or
- the competence obligation - incompetent or negligent activities in FS&T; and/or
- the good character obligation - behavior unbecoming of a member; and/or
- the membership obligation – breach of the Institute rules and by-laws.

### **6.2 MATTERS DEEMED COMPLAINTS**

Should the Executive Manager receive written information that he/she considers might form the basis of a complaint the Executive Manager may deem the matter to be a complaint made by the Institute against the member.

### **6.3 INVESTIGATION OF COMPLAINTS**

Upon the receipt of a complaint, or in the case of a matter deemed to be a complaint, the Executive Manager shall investigate. That investigation shall include, but not be limited to seeking copies of all relevant documents from the respondent and the complainant, providing all documents received from both

parties to both complainant and respondent, and seeking their explanations or views, and if the matter involves health and safety matters, contacting the relevant regulatory authority to see if that authority holds any information on the matters concerned.

The Executive Manager may suggest to the parties that they seek resolution by alternative dispute resolution means such as mediation or arbitration, and may suspend his/her own investigation for up to 90 days if the parties agree to attempt such means of resolution.

Once he or she is satisfied that reasonable steps have been taken to investigate the matters, the Executive Manager must provide a written report to the President (or if the complaint is about the President, to the most immediate Past-President able to perform the role) setting out the matters in relation to the complaint, and giving the Executive Manager's opinion as to whether a breach of the professional obligations may have occurred. The Executive Manager may also point out in this report whether, in his or her opinion, the complaint is made in good faith, frivolous, vexatious, relates to a trivial matter, and whether it would be practical to pursue the matter. If in his or her opinion the complaint does refer to one or more of the professional obligations the Executive Manager may state his or her opinion as to whether the alleged breach is sufficiently grave to warrant further pursuit.

Upon receipt of the report the President must decide whether to dismiss the complaint. The complaint may only be dismissed on one or more of the following bases:

- does not relate to any of the professional obligations on the member concerned;
- is not made in good faith, is vexatious or frivolous;
- is concerned with a trivial matter;
- is impractical to pursue; or
- refers to a matter in which the alleged breach of the professional obligations is insufficiently grave to warrant further pursuit.

If none of the above grounds for dismissal applies the complaint must be referred to a Disciplinary Tribunal. In this case the President shall set out the nature of the alleged breaches of one or more of the four professional obligations on members, and in the case that the alleged breach is ethical, which element of Part II of the code of ethical conduct is alleged to have been breached, and the information relevant to the complaint.

The President shall write to all parties setting out his/her decision.

#### **6.4 DISCIPLINARY TRIBUNAL**

In the event that a matter is referred to a Disciplinary Tribunal the President shall appoint a tribunal consisting of a Past-President (who shall chair the Tribunal), one other member of the Institute chosen for their knowledge relevant to the matters of the complaint, and one lay member nominated by a body that the President considers representative of consumer interests, to hear the matter. The President must ensure that those appointed have no conflict of interest in respect to the matters to be heard.

The Tribunal shall give both the complainant and the respondent at least 28 days notice of the date of the hearing. Each shall have the right to present evidence and to be represented. The process shall be inquisitorial. There is no right to cross-examination, but both respondent and complainant may put requests to the chair of the Tribunal for specific questions to be asked of any witness. The Executive Manager will also report on his/her investigation, and provide copies to the Tribunal, respondent and complainant of all pertinent written materials arising from the investigation.

The Disciplinary Tribunal shall deliberate in private and shall make a preliminary finding to either dismiss or uphold the complaint. In the event that that complaint is upheld, the Tribunal may decide to:

- remove the member from the Institute, and impose a minimum time before any application for reinstatement will be considered; or
- suspend the membership of the individual for a length of time; or

- suspend the membership of the individual until a condition (such as completion of specific professional development) has been completed; or
- reprimand or admonish the member.

In addition the Tribunal may rule that:

- the member be named, the penalty stated and a summary of the reasons for the penalty being imposed be published in the journal of the Institute; or
- the member be named, the penalty stated and a summary of the reasons for the penalty being imposed be published in member only area of the Institute web site, and a notice be distributed to members by whatever means the Tribunal considers appropriate to bring the publication of the outcomes to their attention; or
- a summary of the facts of the matter be published in the journal of the Institute and/or on the website of the Institute without naming the member (for the purpose of others learning from the matter).

The Executive Manager must send the preliminary finding and proposed penalties to both the respondent and complainant, and they shall have 28 days in which to make any further written submission.

The Disciplinary Tribunal shall consider any written submissions, may conduct a further hearing if it deems this necessary so that any questions in relation to any new evidence in the submissions can be heard, and on completion of its hearing shall finalise its report, which shall be presented to the President who shall inform the respondent and complainant of the outcome in writing. The Council of the Institute shall be informed in confidence of the outcome by the President. The Executive Manager shall take all necessary steps to close out the matter.

There shall be no right of appeal subsequent to the opportunity to make a written submission in relation to the preliminary finding of the Disciplinary Tribunal.

## **6.5 SUSPENSION OF PROCEEDINGS**

In the event that the respondent resigns his/her membership prior to the complaint being closed out then the proceedings shall be suspended at whatever stage it has reached, but the papers shall be attached to the member's file, so that the complaint can be re-activated should they attempt to re-join the Institute in the future. These matters need to be addressed through Rule 6.

In the event that the complainant withdraws his/her complaint the Institute may choose to continue pursuing the matter as if it were a complaint, provided that in doing so it places no further requirement on the initial complainant. *This may be handled under operating procedures provided the power to do so is created in the revision to Rule 12.*