

Disciplinary Code for Chartered Scientists

1 Introduction

All OR Society members awarded Chartered Scientist through the OR Society agree to be bound by its Chartered Scientist Code of Conduct.

This Disciplinary Code applies in the event of any formal allegation or complaint of a breach of that code of conduct by an OR Society Chartered Scientist.

2 The Investigation Process

On receipt of a written complaint or allegation against an OR Society Chartered Scientist ('the Respondent'), the Secretary and General Manager will identify two independent investigators to determine whether there is a case to answer – that is:

- Whether the matter complained of does constitute a breach of the code;
- It is a non-trivial breach; and
- There is, or could be, sufficient evidence to support the complaint.

The independent investigators should be Fellows of the OR Society, General Council members, OR Society-registered Chartered Scientists, or otherwise persons of standing within the OR profession. They should have no conflict of interest, perceived or actual, with respect to the content of the complaint or the member complained of.

The independent investigators should document all their relevant actions, decisions and conversations.

The independent investigators should review the complaint and any supporting documentation. If they decide that the complaint is trivial, or that there is no evidence to support it, or that the matter complained of does not in fact represent a breach of the code,

then the complaint will be dismissed, and the Complainant notified by the Secretary and General Manager.

In all other cases, the Respondent will be notified of the nature, particulars, and source of the complaint, and that this is subject to a preliminary investigation. The Respondent will be invited to submit a written response, within 10 days (or longer if so decided by the investigators). The investigators may also ask for additional details or evidence from the Complainant, at their discretion.

The Secretary and General Manager will convene a Disciplinary Committee, consisting of three to five members depending on the complexity of the case, with one of them appointed as Chair. Each Disciplinary Committee member should be a Chartered Scientist, and/or a Fellow of the OR Society, and/or an OR Society General Council member, and/or otherwise a person of standing within the OR or similar profession. They should have no conflict of interest, perceived or actual, with respect to the content of the complaint or the member complained of.

The independent investigators will submit a report to the Disciplinary Committee, making one of three recommendations:

- There is no case to answer;
- There has been a material breach, but that rather than invoking the disciplinary procedure, it may be more appropriate to facilitate conciliation or another form of alternative dispute resolution. In this case the procedure adopted shall be at the discretion of the Committee, except where specified below; or
- That it is necessary to invoke the full disciplinary process.

The Disciplinary Committee shall have a duty to act fairly, in the interests of natural justice, and shall have regard to this in deciding what evidence to collect, what witnesses to call, how much notice to give, how to proceed in the absence of response from any party, and whether to have an oral hearing. All the Committee's decisions should be documented, and all discussions and proceedings should be minuted (by a member of the Committee or by a member of the ORS's staff).

If the independent investigators have recommended that there is no case to answer, or that there is a material breach best addressed by conciliation, the Committee will convene to review those recommendations:

- If it agrees that there is no case to answer, then the complaint will be dismissed, and the Complainant and Respondent notified by the Secretary and General Manager.
- If it agrees that there is a material breach best addressed by conciliation, the Chair should ascertain via the Secretary and General Manager that this is acceptable to the Complainant and the Respondent, and oversee the appointment of an appropriately experienced Professional member to facilitate resolution by the agreed method. If resolution is achieved, no further action will be taken. If the process is unsuccessful, then the disciplinary procedure will be resumed
- If it does not agree with the independent investigators recommendations, it will move to the full disciplinary procedure (next paragraph).
- If the independent investigators have recommended that the full disciplinary procedure should be invoked, or if conciliation has been unsuccessful, or if the Disciplinary Committee has agreed that it should move to the full disciplinary procedure, then the Disciplinary Committee will convene to discuss its procedure (including what evidence to review or collect, what witnesses to call on, how much notice to give, how to proceed in the absence of responses, whether to have an oral hearing, and how to conduct its meetings and hearings). It will also convene as necessary, to hear the charge, to examine the evidence, to question any witnesses, to conclude whether the charge is proven, and if so, to decide what sanction is appropriate.

At any meeting where the Disciplinary Committee is hearing the charge, examining the evidence and questioning witnesses, the Respondent will be given the opportunity of being present, together with a friend or adviser if wished.

The decision of the Disciplinary Committee should be reached by simple majority, with the Chair having a casting vote if necessary.

The decision should be in writing and set out the Disciplinary Committee's reasons for the decision. It is binding on all members of the Committee. Nonetheless any dissenting opinions may be recorded as part of the document, if a dissenter so wishes.

The Disciplinary Committee may reach any of the following conclusions:

- Dismiss the allegation in full or in part
- Admonish the Respondent (this will take the form of a written admonition sent by the Chair of the Disciplinary Committee to the Respondent)
- Reprimand the Respondent and require him/her to indicate, in writing, agreement to follow a specific course of action and/or to give a written undertaking with respect to his/her future conduct
- Remove the name of the Respondent from any register managed by the OR Society under licence from the Science Council
- Recommend to the OR Society Board the termination of the Respondent's OR Society membership, in line with the OR Society constitution.

The Disciplinary Committee shall determine the extent of the publicity to be given to the result of its proceedings. It must in any event communicate fully its findings to the Respondent, the Complainant and to any appropriate regulatory body.

3 Appeal

An appeal by the Respondent or Complainant may be made to the OR Society, to be lodged with the Secretary and General Manager within one calendar month of their being notified of the outcome. The appeal may only be against removal of the name from the Science Council register, termination of OR Society membership, or a specific course of action required.

The appeal must include a written statement of grounds on which the finding or sanction may be varied. These grounds are limited to:

- Procedural impropriety;
- Unreasonable sanction; or
- Further significant evidence that the appellant could not reasonably have made available to the Disciplinary Committee.

Any appeal will be heard by a specially-convened Appeals Committee to be chaired by the OR Society Past President or President Elect. This Committee will have a further three members of the OR Society and one further member nominated by the Science Council and/or other

professional institution. No member of the Appeal Committee will have been previously involved in the complaint, or have any real or perceived conflict of interest.

The Appeal Committee will consider the written grounds for the appeal. It will have the power to direct that the case be reheard by the Disciplinary Committee, to quash the findings of the Disciplinary Committee, to cancel or vary the sanction of the Disciplinary Committee, or to dismiss the appeal.

The decision of the Appeals Committee will be in writing and set out the reasons for it. The Secretary and General Manager will transmit the decision to all parties within 10 working days of receiving it. No further appeal will be considered.

4 Costs

The OR Society will not charge for its own costs, and will cover the expenses of all Disciplinary Committee and Appeals Committee members appointed by the OR Society in line with its normal expenses policy. It will refund travel expenses for witnesses invited by the Disciplinary Committee to hearings. It may agree to refund reasonable travel expenses for Complainant and Respondent to attend an Appeal hearing. It will not refund any other costs, and the Complainant and Respondent will bear their own further costs, if any.