Misconduct and Discipline

Regulation 35.5

A submission from the Chairman of the Constitution Committee

Purpose or Objective

Following a review of the processes by which misconduct issues are currently dealt with, a number of changes are proposed in part to clarify, and in part to remove legal ambiguities. The first change is to make clear that it is the assessing group in Regulation 35.5 which decides on the process to be followed if there is a case to answer, and be clear as to what those processes are.

Proposal

Amend ISAF Regulation 35.5 as follows:

35.5 On receipt of a written report under Regulation 35.4, the Chief Executive Officer shall acknowledge receipt. The Chief Executive Officer and two Vice-Presidents shall assess the report and decide whether or not there is a case to answer. If a majority of them decide there is a case to answer, they may either forward the report to the appropriate Member National Authority or the Chief Executive Officer shall forward the report to the Disciplinary Commission for investigation, and if appropriate, a hearing. If a report concerns the President, or a Vice-President, the Chief Executive Officer shall forward the report directly to the Disciplinary Commission.

Current Position

As above.

Reason

1. This clarifies that ISAF may forward a report of misconduct to an MNA for investigation rather than ISAF be bound to deal with the matter itself. As reports of misconduct can be made directly to ISAF (bypassing the MNA), it is appropriate that there is a mechanism for ISAF to send the matter back to the appropriate MNA.