



PROCEDURE FOR CONSIDERING AMOVAL OF A FELLOW

1 PURPOSE

- 1.1 To provide clarity and transparency regarding the procedure for removing Fellows from the Society if they are considered to have brought it into disrepute (called amoval).
- 1.2 All Fellows sign a declaration on becoming a member that they will not bring the Society into disrepute.
- 1.3 Law 8 of the Society states that Fellows, including Honorary Fellows and Council members, whose actions or behaviour might in the opinion of Council bring the Society into disrepute may be removed from the Fellowship. Council will consider the amoval and advise the Fellow of its decision. Any Fellow so considered will be given the opportunity to appeal the decision to a panel independent of Council consisting of Fellows and at least one non-Fellow. The determination of this panel will be final.
- 1.4 This procedure may be initiated by any individual and not limited to Fellows of the Society.
- 1.5 This procedure is separate from Law 7 whereby Fellows may be removed from the Society due to non-payment of their subscription.

2 SCOPE

- 2.1 The procedure applies to all Fellows.
- 2.2 There are some circumstances where the Society need not comply with the procedure:
 - If the Society closes suddenly and unexpectedly
 - If the Fellow is unavailable through illness or is in prison
 - If it is discovered that the Fellow cannot continue to be a member of the Society for legal reasons
 - If a party is subjected to threats or harassment.

If any of these apply this must be communicated to the President for discussion on the appropriate procedure (except if involved directly when a Vice President should be consulted).

3 GENERAL PRINCIPLES

- 3.1 'Reasonable notice' or 'reasonable time' will generally be one calendar month, although it is recognised that this can be variable due to circumstances. In any procedure, timetables will be determined by Council having regard to the circumstances.
- 3.2 The procedure will enable Council, in accordance with [4.1] below, to make a determination that the Society might have been brought into disrepute and formal action is required.

- 3.3 The Fellow concerned has the right to appeal against the written determination of Council (see below).

4 AUTHORITY TO TAKE ACTION AS PER LAW 8

- 4.1 Council reserves to itself the initial determination of whether the actions or behaviour of a Fellow might bring the Society into disrepute.
- 4.2 Council has the power of amoval of a Fellow from membership of the Society according to Law 8.
- 4.3 Should Council recommend amoval, the Fellow so affected is entitled, should they wish, to appeal to an independent Appeal Panel.
- 4.4 The Appeal Panel determination will be final within the procedures of the Society.

5 AMOVAL PROCEDURE

- 5.1 Any actions or behaviour of a Fellow that might bring the Society into disrepute must be reported in writing to the Fellowship Committee. Receipt of this communication will start the process. The procedure will be confidential to the Fellow, the complainant, Council and the Director until Council has arrived at its decision.
- 5.2 If multiple related reports are received, they shall be considered together as a single case against the Fellow.
- 5.3 Any such report(s) should include the name of the Fellow against whom the allegations are made and a statement with supporting evidence detailing the actions or behaviour that might bring the Society into disrepute.
- 5.4 Fellowship Committee will consider the report(s) including all evidence presented and make an initial determination regards process. This could include sending the report and evidence immediately to all Councillors or investigating the allegation and evidence in more detail first. It may take any other relevant information into consideration.
- 5.5 Fellowship Committee will present their conclusions to Council alongside the original report(s) and evidence.
- 5.6 Council will consider the Fellowship Committee report(s) at its next quorate meeting, and normally within three months, but this can be shortened if the seriousness of the case requires it, so long as a quorate Council can consider the report(s) in that time.
- 5.7 The initial consideration by Council will only determine whether there might be a case to answer. It shall be for Council to determine how thereafter the case is to be considered. It may take any other relevant information into consideration.

- 5.8 Council will initially determine whether, in its opinion, there is the possibility of amoval. If not, the Director will confirm this in writing to whomever brought the case to the Council within five working days of its meeting. Unless further information is brought to its attention by the original complainant(s) within a calendar month of the Council decision, the case shall be considered closed, and no further action taken.
- 5.9 If Council consider there is a case to answer it will instruct the Director to write to the Fellow mentioned in the report within five working days of its meeting stating Council's intention to determine whether to amove them from the Society, laying out the procedure including timescales to be followed and stating the case for possible amoval. Council will offer the Fellow the opportunity to challenge the case, and/or to provide an explanation and any mitigating circumstances with regard to the alleged action or behaviour that might bring the Society into disrepute within the timescale determined by Council.
- 5.10 It will be up to Council to determine how it considers the case, for example, whether it wishes to meet with the Fellow as part of the procedure, and if so when. The Fellow will be able to bring someone with them to any meeting. Council will facilitate an alternative means to meet the Fellow, for example via videoconference, if meeting in person proves difficult due to costs or other legitimate reason.
- 5.11 On receipt of a written response from the Fellow and/or as the outcome of a meeting between the Fellow and Council, Council will determine whether to amove the Fellow from the Society.
- 5.12 If Council decides not to amove, it will instruct the Director to state this in writing to both the Fellow and whomever brought the case to the Council within five working days of the decision.
- 5.13 Council may determine that remedial action from the Fellow is required to remain a Fellow of the Society, such action will be communicated to the Fellow with a response required within a reasonable time.
- 5.14 If Council decides to amove the Fellow, it will instruct the Director to write within five working days stating its intention to amove them from the Society and offering the opportunity to appeal.

6 WRITTEN CONFIRMATION

- 6.1 Written confirmation of 5.12, 5.13 or 5.14 will include the decision taken, a statement of the reasons for that decision, any remedial action required of the person concerned, and the consequences of the decision.
- 6.2 If remedial action has been requested, the Fellow must inform the Council whether they will or have undertaken that action within one calendar month.
- 6.3 The written confirmation must inform the Fellow concerned of their right to appeal in witing by registered mail to the President within one calendar month of the written confirmation.

- 6.4 Should no written response be forthcoming requesting an appeal or agreeing to remedial action within the stated timescale the Fellow will be removed from the Society and a final written confirmation sent.
- 6.5 The Director will be required to review whether any required remedial action has been undertaken within the required timescale. If not, then the Fellow will be considered to have been removed by Council.

7 APPEALS

- 7.1 The Fellow has the right of appeal against removal from the Society by Council.
- 7.2 The President will make Council aware that an appeal has been received in accord with 6.3.
- 7.3 On receipt of an appeal request Council will form an independent Appeal Panel consisting of Fellows and at least one non-Fellow as per Law 8. This Appeal Panel will have an odd number and usually consist of 5 members.
- 7.4 The process to appoint an Appeal Panel will begin within 10 working days after the receipt of the request to appeal. Council will choose 4 Fellows from a pool of candidates already selected (see below) and invite a non-Fellow to self-nominate ensuring that all appointed members have no conflicts of interest, including relationship to the complainant or Fellow appealing.
- 7.5 It will be entirely up to the independent Appeal Panel how it conducts its business and hears the appeal.
- 7.6 Council will inform the Appeal Panel in writing of its decision and rationale, including the original complaint, the minute of the meeting of Council where the decision was reached to remove the Fellow from the Society, a copy of all correspondence with the Fellow and complainant, and the process undertaken to date.
- 7.7 Within five working days of the Appeal Panel convening and agreeing its process the Fellow will be informed in writing of the formation of the panel, its number and how it will undertake the appeal process.
- 7.8 The Appeal Panel will consider the appeal and its determination shall be final in the process of the Society. The Appeal Panel will consider both whether the Society followed its own procedures and whether to support the Council in its determination that the actions or behaviour of the Fellow might bring the Society into disrepute. It may take any other relevant information into consideration.
- 7.9 The Fellow and Council will be informed in writing of the determination of the Appeal Panel which will make clear either to uphold or dismiss the appeal and the reasons for that decision.

8 APPEAL PANEL

- 8.1 Council will invite Fellows to self-nominate for a pool of no more than twenty members willing to act as an appeal panel independent from Council. The Council will invite Fellows and a non-Fellow to self-nominate for the Appeal Panel.
- 8.2 The pool of Fellows will be regularly reviewed to ensure that it is ready to act whenever a case requires.
- 8.3 Council will invite non-Fellows to self-nominate for the one position on an Appeal Panel when a case requires.

9 CONSEQUENCES OF AMOVAL

- 9.1 When a Fellow is amoved from membership of the Society, they shall no longer be able to call themselves a Fellow nor take advantage of any benefits of Fellowship. This includes no longer being able to use FSAScot as a postnominal.
- 9.2 No return of any subscription payment will be considered. However, should the Fellow not have paid their due subscription, they shall no longer be liable for it. All subscription payment direct debits will be cancelled, the Society does not have the power to stop standing order payments, these must be stopped by the person concerned.
- 9.3 Any individual subject to amoval under Law 8 will not be able to re-join the Society except in exceptional circumstances agreed by Council.

10 CONSEQUENCES OF DISMISSAL OF THE CASE OR UPHOLDING AN APPEAL

- 10.1 When Council has determined not to amove a Fellow, or the Appeal Panel upholds an appeal, the person concerned will continue to enjoy all the benefits of Fellowship.
- 10.2 The Fellow shall be liable for their due subscriptions including any unpaid for any reason during the process described above.

11 RECORDS

- 11.1 All written communications as part of this process will be securely archived with the Director (or in the Society offices generally where the Director is involved in the procedure). Council reserves the right to retain all communication relevant to an individual case that is not time-limited. Such time-limited communications will be destroyed when their time limit is reached.
- 11.2 The Society reserves the right to employ any communications which are still relevant and not debarred by the passage of time in any case where a subsequent complaint against the same Fellow is entered.