

MEDIATORS' INSTITUTE OF IRELAND DISCIPLINARY PROCEDURE

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1. INTRODUCTION

The Mediators' Institute of Ireland ('The MII') was established as a not-for-profit organisation to promote the use of mediation as a process of dispute resolution in all areas by ensuring the highest standards of education training and professional practice of mediation and by increasing public awareness of mediation.

The MII's Code of Ethics was drawn up to provide ethical guidance for Mediators in their practice. All members of the Mediators' Institute of Ireland agree to be bound by the Code of Ethics.

The purpose of this Disciplinary Procedure is to provide an appropriate and equitable process to establish if a Member has breached the Code of Ethics and to impose sanction if there has been a breach.

This Procedure does not affect anyone's legal rights.

This Disciplinary Procedure is separate from the MII's Complaints Procedure which sets out how complaints relating to a Mediator's practice will be dealt with by the MII.

2. DEFINITIONS

Member - A registered member of the Mediators' Institute of Ireland, who may be a General, Associate, Certified or Practitioner Member.

The Council - The governing body of the Mediators' Institute of Ireland.

The Disciplinary Panel - A panel appointed by Council of the MII to deal with disciplinary issues.

The Disciplinary Process - The formal process used by the MII to deal with allegations of misconduct made against a Mediator.

The Complaints Panel - A separate panel appointed by the Council of the MII to deal with complaints.

To see the names of current Council and Panel members, please call the MII or check on the MII website.

3. REFERRAL TO THE DISCIPLINARY PANEL

3.1 The decision of whether to refer a matter to the Disciplinary Panel is the responsibility of the MII Council. A matter may be referred where an alleged breach of the Code of Ethics has occurred.

3.2 If the Complaints Panel believe that a complaint should be referred to the Disciplinary Panel, they will notify the designated Council member in writing. That Council member will then bring the details to Council for a decision on referral.

3.3 If an alleged breach comes to the attention of Council from elsewhere, the details must be presented to Council for a decision on referral.

3.4 In making a referral decision, the MII Council must consider the information they have received about the alleged breach.

3.5 If Council decides not to refer to the Disciplinary Panel, a written note is made of their decision and the matter ends.

3.6 If the Council decides to refer to the Disciplinary Panel, a written note is made of their decision including full details of the alleged breach of the Code of Ethics. The Council also nominates a Council member to bring the matter to the Disciplinary Panel.

The Council asks the MII Administrator to contact the Mediator and the Chair of the Disciplinary Panel to notify them of Council's decision to refer.

3.7 Once an issue is brought to the Disciplinary Panel, the Member may not claim confidentiality about the mediation which gave rise to the alleged breach. This is to allow full consideration of the issue. Care must be given however to protect the confidentiality of information which is personal to the parties of the mediation.

3.8 All allegations received by the MII will be dealt with as promptly as possible. Any delays will be notified to all concerned. An extension of time-limits may be agreed by all the parties.

3.9 If anyone involved in the disciplinary process believes there is a conflict of interest they should declare it and step down from the process where appropriate.

4. THE DISCIPLINARY PROCESS

4.1 The Chair of the Disciplinary Panel contacts two other members of the Panel and checks that there is no conflict of interest for any of the three of them to hear the alleged breach of the Code of Ethics.

4.2 The Chair writes to the Member providing copies of all the documents received so far and notifying them of the names of the Disciplinary Panel members and of the nominated Council member.

The Member is asked to respond in writing within 21 days.

4.3 The Chair will then arrange a meeting of the Disciplinary Panel within 21 days and will notify the Member and the nominated Council member of the date and venue.

4.4 If the Member wishes to bring a support person with them to the meeting, they should notify the Chair in advance.

4.5 Witnesses may be called to attend the meeting. The Member may ask questions of the witnesses and the nominated member of Council.

4.5 The Panel will consider the matter on the basis of the written documents, information provided at the hearing and by way of questions to the Member and any witnesses called.

4.6 The Panel will then meet privately to discuss the matter and make their decision. The Panel need to decide on the basis of what has been put before them at the meeting whether the Mediator has acted in breach of the Code of Ethics. If they find that the Mediator has breached the Code, they also need to decide what sanction would be appropriate. Sanction can range from a written warning to removal of practising certificate to expulsion from the MII.

4.7 The Chair of the Panel will notify the Member and the nominated Council member of the Panel's decision. The notice should be in writing and give reasons for their decision.

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5. THE DISCIPLINARY PANEL

5.1 The Council of the MII will appoint people for two years to be available to sit on the Disciplinary Panel. The Panel will include both mediators who are Members of MII and people who are independent of the MII. The mediators will be accredited Practitioner Members of at least 3 years and, as far as possible, represent of all areas of mediation practiced by MII mediators.

5.2 The Chair must be independent of the MII. The Chair will be appointed by the Council for two years.

5.3 The deliberations of the Disciplinary Panel will be confidential. The decision of the Panel will be notified to Council by their nominated representative. The decision may also be published on the MII website.

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