

How to lodge a complaint for unprofessional conduct?

Approved by the EC on 21.9.2023

1- A complaint that the EALE Code of Professional Conduct has been breached can be made by either the individual who considers they have been the subject of a violation or by a witness to an incident they consider violates the Code. Complaints will be considered only if the alleged breach(es) relate to:

- a. the conduct of a participant or attendee at an event organised by the EALE, or
- b. the professional conduct of a member of the EALE executive committee.

EALE will only investigate complaints that either have a direct bearing on the individual's capacity to perform their EALE role or refer to events that took place on an EALE-sponsored event. Matters arising exclusively from activities undertaken as part of individuals' duties at their home institution are excluded from consideration.

2- Complaints will normally be considered a maximum of three years after an alleged breach of the Code. However, complaints will normally not be considered when the alleged breach(es) occurred prior to the formal adoption of an EALE Professional Code of Conduct; and will only be investigated under the Code of Conduct and complaint policy valid at the time of the breach(es).

Allegations or complaints involving the commission of a criminal offence will be referred to the police or other appropriate regulatory authority.

3- In the first instance, informal complaints can be made to any members of the Conduct Committee – see current list on the EALE website – either verbally or by email, who will advise on the merit and process of lodging a formal complaint.

4- A formal complaint under the Complaints Policy must be made in writing to the secure mailbox professional@eale.nl. The mailbox is monitored by the EALE secretary, who will ensure that all information relating to a complaint is treated as strictly confidential. The complaint should include the following information:

- a. The name and email address of the person making the complaint (the Complainant);
- b. An outline of the conduct considered to be in breach of the EALE Code of Professional Conduct, including (if possible) the name of the person who is alleged to have breached the Code (the Respondent).
- c. The date(s) and time(s) at which the possible breach(es) occurred.
- d. If possible, the names of people who may have witnessed the conduct alleged to be in breach of the Code.

5- Any formal complaint will be examined by the Conduct Committee – should one or more members of the conduct committee have a conflict of interest with the complaint (colleagues, co-authors,..), the president of the EALE will nominate substitute members until a quorum of three members is reached.

6- If the Conduct Committee considers the complaint not to fall under the Code of Professional Conduct, or if the alleged breach does not meet the conditions in #1 and #2, or the information

provided is not considered sufficient to warrant further investigation of the alleged breach, this will be communicated in writing to the Complainant and the complaint will not be pursued further.

- 7- In its investigation, the Conduct Committee will take statements from the Complainant and/or Respondent and may also request statements or other evidence from witnesses or other individuals who may have information related to the alleged breach(es) of the Code.
 - a. Individuals are expected to co-operate with an investigation by the Conduct Committee, and the Committee may consider any lack of co-operation by the Complainant or Respondent as a factor in drawing up its recommendations.
 - b. At any stage of its investigation, the Conduct Committee can provide a confidential recommendation that safe-guarding measures be put in place regarding the participation of the Respondent in EALE activities. Such measures will be proportionate and confidential and require the agreement of the EALE president.
 - c. At any stage, and with the agreement of the EALE president, the Conduct Committee may choose to seek legal advice to aid the investigation.
- 8- After the initial phase of gathering information, the Conduct Committee may agree that the best course of action is to appoint an external mediator. Should mediation be successful, as agreed by both the Complainant and the Respondent, no further investigation will be undertaken. If mediation is not successful or refused by one of the parties, the conduct committee will pursue to the next stage.
- 9- The Conduct Committee will provide a confidential written report to the EALE Executive committee on its investigation of each serious complaint, including those resolved by mediation. Any member of the Executive Committee with a potential conflict of interest in relation to the complaint will neither receive the report nor be involved in any discussions relating to it. The report will summarize the complaint and the Conduct Committee's investigation, including any mediation undertaken, provide its conclusion as to whether the Code was violated or not and make a recommendation as to the appropriate sanction in relation to any identified code violation.
- 10- The report will be provided only to the Conduct Committee, the Executive Committee, the Complainant and the Respondent, all of whom are expected to respect confidentiality.
- 11- The outcome of an investigation will be either that misconduct was identified or that it was not. Depending on the nature and severity of the identified breach(es) of the Code of Conduct, the recommended actions may include, but are not limited to:
 - a. Providing guidance on appropriate behaviour to the Respondent.
 - b. A letter of reprimand to the Respondent.
 - c. Suspension of the Respondent's EALE membership for a specified period.
 - d. A ban on the Respondent attending the EALE event for a specified period.
 - e. Revocation of the right of the Respondent to hold any office in the EALE for a specified period or permanently.
 - f. Permanent termination of the Respondent's membership of the EALE and/or their permanent exclusion from events organised by the EALE.
 - g. Informing the Respondent's employer.

- 12- The report from the Conduct Committee will be considered at a specially organised meeting of the executive committee. If a sanction is recommended by the Conduct Committee, notice of the meeting will be sent at least 21 days in advance to all members of the Executive Committee (except those with a potential conflict of interest) and the Respondent to the complaint. The notice will: (i) state the names of the members of the Complaints Committee who have undertaken the investigation, (ii) state the general nature of the grounds for the recommended action and (iii) inform the Respondent they may be heard at the meeting in person (with or without a representative) or submit a written representation at least seven days prior to the meeting.
- 13- If the Executive Committee accepts the report and the Respondent has breached the Code of Conduct, the Executive Committee can either approve the recommended action or choose an alternative. Imposition of a specific sanction will require at least two thirds of the members of the Executive Committee who are present to vote in favour.
- 14- Should the Executive Committee be unable to reach an agreement, it will ask the Conduct Committee to conduct additional investigations and provide further clarifications.
- 15- The decision of the executive committee with respect to a complaint will be communicated to the Complainant and Respondent in writing by the EALE president, or a nominated member of the Executive Committee if the president has a conflict of interest. The decision will also be communicated to the Conduct Committee to ensure that a record is kept of the outcomes of all complaints received.
- 16- Any information and document provided by either Complainant or Respondent will be securely stored by the EALE secretariat and destroyed in accordance with GDPR regulation.
- 17- Members of the Conduct Committee are nominated by the EALE president for a 12 months, renewable mandate. Members of the Conduct Committee whose mandate elapses before a decision on a case has been reached will remain in position for this specific case until the final decision. Newly appointed members of the Conduct Committee will not be involved in ongoing investigations.
- 18- For each 12 months period, the Conduct Committee will provide a report of activities, which will be made public on the EALE website. This report cannot contain information about any specific case reviewed by the committee.